

INTEREST IN CATTLE

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561 cribbing the relations of men to their cattle, for the change from boyhood to manhood is most clearly marked by a corresponding change in those relations at initiation.

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621 Small local groups pasture their cattle in common and jointly defend their homes and herds. Their solidarity is most evident in the dry season when they live in a circle of windscreens around a common kraal, but it can also be seen in their wet season isolation. A single family or household cannot protect and herd their cattle alone and the cohesion of territorial groups must be considered in the light of this fact.

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581 The network of kinship ties which links members of local communities is brought about by the operation of exogamous rules, often stated in terms of cattle. The union of marriage is brought about by payment of cattle and every phase of the ritual is marked by their transference or slaughter. The legal status of the partners and of their children is defined by cattle-rights and obligations.

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421 Cattle are owned by families. While the head of the household is alive he has full rights of disposal over the herd, though his wives have rights of use in the cows and his sons own some of the oxen. As each son, in order of seniority, reaches the age of marriage he marries with cows from the herd. The next son will have to wait till the herd has reached its earlier strength before he can marry in his turn. When the head of the household dies the herd still remains the centre of family life and Nuer strongly deprecate breaking it up, at any rate till all the sons have married, for it is a common herd in which all have equal rights. When the sons are married they and their wives and children generally live in adjacent homesteads. In the early part of the dry season one sees a joint family of this kind living in a circle of windscreens around a common kraal, and in the big camps formed later in the year one finds them occupying a distinct section in the lines of windscreens. The bond of cattle between brothers is continued long after each has a home and children of his own, for when a daughter of any one of them is married the others receive a large portion of her bride-wealth. Her grandparents, maternal uncles, paternal and maternal aunts, and even more distant relatives, also receive a portion. Kinship is customarily defined by reference to these payments, being most

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583 clearly pointed at marriage, when movements of cattle from kraal to kraal are equivalent to lines on a genealogical chart. It is also emphasized by division of sacrificial meat among agnatic and cognatic relatives.

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553 The importance of cattle in Nuer life and thought is further exemplified in personal names. Men are frequently addressed by names that refer to the form and colour of their favourite oxen, and women take names from oxen and from the cows they milk. Even small boys call one another by ox-names when playing together in the pastures, a child usually taking his name from the bull-calf of the cow he and his mother milk. Often a man receives an ox-name or cow-name at birth. Sometimes the name of a man which is handed down to posterity is his ox-name and not his birth-name. Hence a Nuer genealogy may sound like an inventory of a kraal. The linguistic identification of a man with his favourite ox cannot fail to affect his attitude to the beast, and to Europeans the custom is the most striking evidence of the pastoral mentality of the Nuer.

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775 Since cattle are a Nuer's most cherished possession, being an essential food-supply and the most important social asset, it is easy to understand why they play a foremost part in ritual. A man establishes contact with the ghosts and spirits through his cattle. If one is able to obtain the history of each cow in a kraal, one obtains at the same time not only an account of all the kinship links and affinities of the owners but also of all their mystical connexions. Cows are dedicated to the spirits of the lineages of the owner and of his wife and to any personal spirit that has at some time possessed either of them. Other beasts are dedicated to ghosts of the dead. By rubbing ashes along the back of a cow or ox one may get into touch with the spirit or ghost associated with it and ask it for assistance. Another way of communicating with the dead and with spirits is by sacrifice, and no Nuer ceremony is complete without the sacrifice of a ram, he-goat, or ox.

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183 We have seen in a brief survey of some Nuer institutions and customs that most of their social behaviour directly concerns their cattle. A fuller study of their culture would show everywhere the same dominant interest in cattle, e.g. in their folklore. They are always talking about their beasts. I used some-

OECOLOGY

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[21] extensive, have been the social changes which have resulted from this disturbance of the oecological equilibrium. Since bride-wealth consists of cattle there must have been for a time considerable dislocation of marriage arrangements, but stability has been reached to-day by lowering the number of cattle which have to be paid. A like assessment on a new footing does not seem to have been achieved in homicide negotiations, in which there is not the same goodwill between the parties as in marriage, and blood-wealth appears to have been claimed up to the present time at the old rate of payment, though Nuer recognize that bride-wealth and blood-wealth should rise and fall together. One cannot make any precise statement on the matter, but it is likely that feuds were less easily concluded than before and that consequently tribal relations were affected. It may also be supposed that decrease in stock has led to a general deterioration of the standard of living, for climatic conditions do not allow adequate compensation by expending further labour on horticulture. No doubt Nuer grew more millet than before, but they must have suffered a decrease in their total food-supply and, above all, in security. It will be seen in a later section that Nuer can no more exist on a purely horticultural economy than they can, at any rate since the introduction of rinderpest, exist on a purely pastoral economy. They must have a mixed economy and can compensate on one side or the other only to a very limited degree. Nuer sought to repair their losses rather by extensive raiding of their Dinka neighbours, passing on to them their own losses in stock. We know that Nuer raided Dinka before rinderpest entered the country, but it is likely that their foreign relations have been affected by the greater stimulus to aggression. Other probable effects could be noted, especially in kinship relations, but one can only guess their importance, so we confine our speculations to a few of those that may be supposed to have occurred in Nuer economy and political life.

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226 It was noted in Chapter I that to exist Nuer have to make use of a mixed economy, since their herds do not supply them with adequate nourishment. It will be seen in a later section that their millet harvest is often meagre and uncertain. Fish,

THE POLITICAL SYSTEM

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684 happens that a man impregnates an unmarried girl and he is then
836 expected to marry her. The girl's kinsmen may raid his kraal and
seize some of his cattle, but he will try to circumvent this by
hiding his beasts in the kraals of relatives and neighbours. If
later he marries the girl the cattle her kinsmen have seized
count as part of the bride-wealth, and if he refuses to marry her
they count as payment for possession of the child, so that in either
case he pays no indemnity but only a fee to establish his rights.
Here again, in point of fact, it is very difficult for the girl's
brothers to seize the man's cattle, unless he is willing to let them
do so, and there is always the risk of a fight which may become
[8-35] general. One does not fornicate with the girls of one's own village,
for they are generally related to one, so that when an issue of the
kind arises it is generally between persons of different villages of
the same district. If the young man can avoid being hit over the
head with a club at the time of the incident and keeps clear of the
girl's village for a few months he is not likely to pay an indemnity
or to suffer any other consequences. If he has put the girl in child
he will, in normal circumstances, send a kinsman to say that he
intends to marry her. The girl is then regarded as engaged and the
young man becomes son-in-law to her parents and one does not
injure one's son-in-law. Even if he refuses to marry their sister,
the brothers hesitate to attack the father of her child.

683 It is possible to obtain from Nuer a list of compensations for
injuries to the person: e.g. ten cattle for a broken leg or skull, ten
cattle for the loss of an eye, two cattle for a girl's broken teeth, &c.
For a flesh wound, however serious, there is no compensation unless
the man dies. In different parts of Nuerland the number of cattle
to be paid in compensation varies. I have not recorded any
instance of a man receiving such compensation, except from a
Government court, but Nuer say that he would receive it if his
kinsmen were strong enough to retaliate.

754 It is alleged that, in the old days, if a man died of magic his
627 kinsmen would try to slay the magician (*gwan wal*), though I have
not recorded a case of a magician having been killed. Nuer point
out that a magician does not use his magic against persons in his
own community but only against persons of other villages, so that
it is not easy to revenge yourself on him since he will be supported
by his village who regard powerful magic as of value to their
community. It is also said that in the old days a witch (*petk*) was
sometimes slain, though I cannot say how often, if at all, this
occurred.

583 Many disputes arise about bride-wealth: the husband's people
627 do not pay what they have promised or there is a divorce and the

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627 wife's people do not return all the cattle that have been paid. In such circumstances the debtor does not deny the debt but puts forward a counterbalancing claim on some account or says that he has no cattle to settle it. Often enough he says this even when he has got cattle. The claimant can only be sure of getting his due if he takes it by force from the debtor's kraal or from the herd in the grazing-grounds. If he is strong and has the backing of a powerful lineage he is not resisted, since he has right on his side. Such matters are easily settled within a village and among people who share a common dry season camp because every one realizes that some agreement must be reached by discussion and that it must accord with justice. But when the parties belong to different, and maybe hostile, villages, settlement is not so easy. The leopard-skin chief may be employed, in the manner described⁴ to bring the parties together for discussion and some agreement may then be reached, but many such debts are never settled. They are remembered for years. Perhaps some day, maybe in the next generation, an opportunity will occur to steal the cattle.

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627 If a wife dies in her first pregnancy or childbirth the husband is held responsible. There is no question of a feud arising, but the husband loses the bride-cattle he has paid, since these now become blood-cattle for the loss of his wife. The husband is only responsible if the death occurs during childbirth before expulsion of the afterbirth. If there is any dispute about the mode of death or the number of cattle that are still owing it is settled by a mediator called *kuaa yiika* or *kuaa yiini*, 'the chief of the mats', an office which pertains to certain lineages. This man has no other office and is not an important person in virtue of his role of arbitrator in disputes of this kind. It is easy to obtain compensation, as the father-in-law has the bride-wealth in his possession. There is, moreover, a tie of affinity and neither party is likely to resort to violence.

671 Using these brief notes on some exemplifications of the tendencies in Nuer law we may now state what these tendencies are. We speak of 'law' here in the sense which seems most appropriate when writing of the Nuer, a moral obligation to settle disputes by conventional methods, and not in the sense of legal procedure or of legal institutions. We speak only of civil law, for there do not seem to be any actions considered injurious to the whole community and punished by it. The informants who said that witches and magicians were sometimes killed stated that it was always individuals or groups of kin who way-laid them and killed them in vengeance.

2 [see pp. 163-64, cat. 116 - Analyst]

THE LINEAGE SYSTEM

597 groups by their other members and by outsiders. People say
613 'caa dil e cieng' or 'caa van wec', 'he has become a member of
the community', and they say of the man who captured him that
'he has become his father', and of his sons that 'they have
become his brothers'. He is already a member of the *gol*, the
household and joint family. Adoption gives him a position in
lineage structure, and thereby ceremonial status, for by adoption
he becomes a member of his captor's *thok dwiel*, lineage.

597 I was told that the captor will seldom himself give the lad *buth*,
788 agnatic affiliation to his lineage, and that the rite is usually per-
formed by a kinsman at the request of his sons and with the consent
of their minimal lineage. A representative of the lineage invites
the Dinka, now grown-up and initiated, to attend the sacrifice of
an ox or sheep in his kraal. The head of the joint family provides
the sacrificial beast and the representative of the lineage drives the
tethering-peg into the earth at the entrance to the byre and walks
up and down the kraal invoking the spear-name of the clan and
calling on the spirits and ancestral ghosts of the lineage to take
note that the Dinka is now a member of it and under their protec-
tion. He then spears the beast and the Dinka is smeared with the
undigested contents of its stomach while the ghosts and spirits are
asked to accept him. He is especially smeared on the soles of his
feet, for this binds him to his new home. If he leaves it he will die.
The beast is then cut up, and a son of the house, or the representa-
tive of the lineage, and his new brother divide the skin and the
scrotum, which the Dinka cuts. The Dinka also takes the neck as
his portion. On all future occasions when animals are sacrificed by
members of the lineage the Dinka will receive his share of the meat,
for he is now a member of the lineage. The cutting of the scrotum
is the symbolic act which makes the man a member of the lineage,
because only an agnatic relative may cut the scrotum of a sacri-
ficial beast. 'A man who has cut the scrotum of your beast, if he
has sexual relations with your daughter, he will die.'

613 A girl captive is not adopted into the lineage, but people say
597 'caa lath cwagwi', 'she is given a right to receive bride-wealth'. 'Her
[583] children are become people who partake in the bride-cattle'. This
means that when she is married, or her daughters are married, the
sons of the family in which she has been brought up will receive the
cattle due to brothers and maternal uncles, and that in return, when
the daughters of the sons and daughters of this family are married,
she, or her sons, can claim the cow due to the paternal aunt and the
cow due to the maternal aunt. She has become a daughter to her cap-
tor and a sister to his sons, but she is not a member of their lineage.

KINSHIP AND THE LOCAL COMMUNITY

before they reach the first ancestor from whom bifurcate collateral lines of descent of the kind they call a *thok dwiel*, a lineage? 601
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A Nuer, when asked about this matter, gave an historical explanation: 'In the days when people scattered, brother and son went raiding and they settled where they raided. Then kinship ceased (*ce mar thuk*) and there remained only a lineage relationship (*ce dwoth ni buth*).' This could only have happened, however, as Nuer themselves say, after some generations had elapsed. Even today descendants of Nuer who settled to the east of the Nile, after raiding the Dinka in what are now the Jikany and Lou tribal areas, sometimes travel to the homes of their forebears to the west of the Nile to receive cattle which are their due on the marriages of the daughters of kinsmen from whose fathers and grandfathers their fathers and grandfathers separated. While the privileges of kinship are thus claimed, the persons concerned cannot be regarded as *jibuthni*, members of collateral lineages. Indeed, in my experience, Nuer do not generally speak of lineages till four or five generations back in patrilineal ascent, and I think also that there are good technical reasons for following Nuer usage in this matter and for not speaking of lineages before at least the third generation is reached. [583] •

Although any relative of a man is *mar* to him, the word most frequently refers to close relatives only, and on the paternal side generally implies those persons on the marriage of whose daughters a man can claim a portion of the bridewealth proper, which means an agnatic relationship deriving from any forebear as far back as, but not beyond, the bride's great grandfather. Nuer commonly explain such matters in terms of cattle-rights. Also it is for descendants of the great grandfather that specific kinship terms are used in their primary reference. It is this grouping, in relation to any person, of agnates of three generations in depth that I shall have in mind when I speak of a man's paternal kin. [613]

Beyond this point we enter into the structural relations of the lineage system where the Nuer begin to speak of collectivities of agnates. There is always *buth* between collateral lineages of the same clan and there may also be *buth* between clans, as I have explained in *The Nuer*. Also, a captured Dinka boy may be *lath* *buthni*, given *buth*, and thereby made a member of his captor's lineage. Groups which have no *buth* have *ru* between them, that is, they are 'strangers'. I omit further discussion about the 602
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582 In general, therefore, it may be said that if there is no kinship between a youth and a maiden and the youth's father has sufficient cattle, marriage is unlikely to be opposed by either family, unless there is bad blood between them. The first condition, however, makes it difficult usually for a man to find a mate in his own village, since, as we have seen, villagers are generally in one way or another kin. Also, a man is unlikely, except in parts of western Nuerland where some of the tribes are very small and there is much intercommunication between tribe and tribe, to marry outside his tribe, unless he lives near its border with another tribe, for he may then have relatives and friends on the other side of the border with whom he visits and on whom he can rely for help should difficulties arise about the return of his cattle in the event of divorce. Hence a man may generally be expected—I cannot give figures for the distribution of marriages—to take a wife from some village of his own tribe and within easy reach of his own village, that is to say, within his district or from among the people whom he habitually visits.

This fact, combined with the frequency with which Nuer live with their affines and maternal kin and their wandering and migratory tendencies, has produced a very great admixture within local groups of persons belonging to diverse lineages and tribal and foreign origins. It means also that, as I have already explained, any Nuer has kinship links of one kind or another with persons belonging to many different local communities. With each marriage these strands running from one community to another are increased and there results a complex network of kinship ties between members of opposed segments within the political structure.

II

- 583 Marriage among the Nuer is brought about by payment of bridewealth and by the performance of certain ceremonial rites. The rites cannot take place without the payments, but transfers of cattle do not by themselves bring about the union. Both are necessary, and they proceed in a connected movement towards the full establishment of the union. Each enforces and reinforces the other. The bride's people can, by holding up the rites, put pressure on the bridegroom's people to make the payments due to them,

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and the bridegroom's people can, by withholding the cattle, induce the girl's family and kin to advance the ceremonies. First one pedal is pressed down and then the other as the marriage is propelled to its appointed end, the birth of children and the sharing of a home. It is understood that payments should have reached a certain point before a certain rite is held, and the performance of the rite is a recognition of the transfer of cattle up to that point. Payments of cattle and marriage rites therefore tend to alternate, though there is no fixity about the alternation and no marriage is exactly the same as another in this respect. The new social ties of conjugality and affinity are made stronger by each payment and by each ceremony, so that a marriage which is insecure at the beginning of the negotiations becomes surer with every new payment and rite; both sides, by the giving and receiving of cattle and by joint participation in the rites, becoming more deeply committed to bringing about the union. Therefore a marriage which has reached the final rites may be regarded as a stable union and will generally prove to be so. 583

The chief ceremonies are the *larcieng*, the *ngut*, and the *mut*: the betrothal, the wedding, and the consummation. All three are important public events in Nuer life, though the betrothal rites are not held on so large a scale to the west of the Nile as to the east. Preparations for them are made days, even weeks, ahead, and they are talked about, especially by the young people, long before they take place. They are usually held in the rains, for there is then plenty of millet for porridge and beer, and people have the energy of the well-fed and can travel long distances without fatigue and dance and make love with equal vigour. A whole district attends them, the mere coming together of so many people making marriage a memorable event. Neighbours thus bear witness to the creation of the new social ties and by their presence sanction them. 584

Neighbours form the crowd at marriage feasts. They have no direct concern with the union. Apart from these people who attend the ceremonies for dancing and flirting and for the general sociability and excitement, are those who attend them for more serious purposes. It will be seen that there are always, besides prolonged discussions about bridewealth, sacrifices and other rites which have to be performed and which interest only some of the people present—the families and kin of the bride and bridegroom. These are the rites which express the relations between husband

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585 The marriage has thus reached completion through many stages: betrothal ceremony, wedding ceremony, consummation ceremony, the birth of a child, the bringing of the first-born to his father's byre, and the presentation to the wife of a spoon as a sign of her domestic separation from her family. She comes to her husband's home not as a wife but as a mother whose breasts have suckled a child of their lineage.

III

583 Like many other African peoples the Nuer marry by the family and kin of the bridegroom handing over cattle to the family and kin of the bride. The marriage is brought about by this payment and by the performance of the series of ceremonial acts I have just described. These ceremonies and payments of cattle proceed *pari passu* as inter-connected movements towards the completion of the union. It should be remembered that Nuer do not consider the union to be complete till a child has been born of it, even though spouses may continue to cohabit where the union proves to be unfruitful.

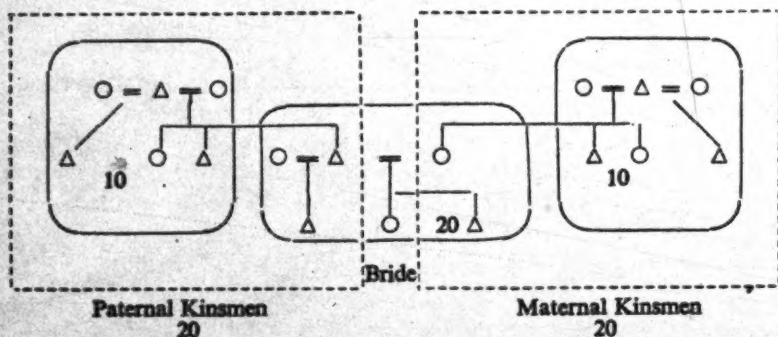
I first describe the principles on which bridewealth is paid. These can be simply stated. In actual marriages the payment and distribution of the cattle may be complicated, but if one asks a Nuer how, on marriage, the bridewealth is divided, he gives at once its ideal distribution and it will be found that actual distribution in any particular marriage is made to approximate as far as possible to this ideal. Consequently, once the general principles of transfer are understood, the distribution of cattle on any particular marriage can be readily understood also.

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602 Bridewealth should consist of 40 head of cattle. Among the eastern Nuer 20 are said to go *kwi gwan*, to the father's side, and 20 *kwi man*, to the mother's side, of the bride. Equal division between the bride's paternal kinsmen (including her father) and her maternal kinsmen (including her mother) is thus the first rule of distribution. Of the 20 beasts which go to the father's side, 10 remain with the father (or his sons) and 10 are divided among his family (his parents, brothers, and sisters); and of the 20 beasts which go to the mother's side, 10 remain with the mother (or her sons) and 10 are divided among her family (her parents and brothers and sisters). The second rule, therefore, is that the cattle are distributed in fixed proportions between three families: the

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bride's own family, her father's family, and her mother's family. 583
The bride's own family receive 20 head of cattle, which are known 602
as the *ghok dieth*, the cattle of parenthood. The families of the
bride's father and of her mother each receive 10 head of cattle,
known collectively as the *ghok cungni rar*, the cattle of the outside
claimants, i.e. those who are outside the bride's own family. It
should be noted in the diagram below, in which these distribu-
tions are shown, that the bride's mother's sons count as maternal
relatives while her father's sons by a different mother count as
her paternal relatives.

However, a Nuer does not state such distributions in terms of
families but, when he is discussing the mode of distribution, in



terms of individual relationships and, when he is discussing par-
ticular marriages, in reference to persons standing in these
relationships. Relationships are defined by reference to the bride.
A Nuer counts the ideal distribution as follows:

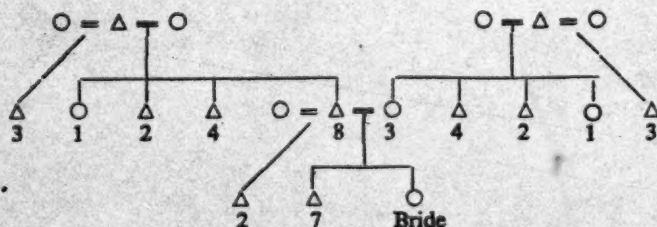
	Cattle	Total
KWI GWAN (on the paternal side)		
Gwan (father)	A cow and its calf, a cow and its calf, an ox, another ox, a cow, and a calf	8
Gat gwan (father's son)	A cow, and another cow	2
Gwanlen (indit) kwi mane or kwi dwiel (father's elder brother by the same mother)	A cow and its calf, a calf, and an ox	4
Gwanlen kwi gwane or kwi luak (father's brother by a different mother)	A cow and its calf, and an ox	3
Gwanlen (intot) kwi mane or kwi dwiel (father's younger brother by the same mother)	A cow, and an ox	2
Wac (father's sister)	A heifer	1
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583 KWI MAN (on the maternal side)
602 Man (mother)
Demam (brother by the same mother)

<i>Cattle</i>	<i>Total</i>
A cow and its calf and a heifer	3
An ox, another ox, a cow, another cow, a cow and its calf, and another cow	7
A cow and its calf, another cow, and an ox	4
A cow and its calf, and an ox	3
A cow and its calf	2
A heifer	1
	<u>20</u>

I do not guarantee that if one were to ask any Nuer from the eastern part of their territory how bridewealth is distributed in his country he would receive a list identical with the one I have given, for there might be shifts here and there of a cow or an ox, but the balance and proportions would be as I have recorded them. Among the western Nuer, when a man speaks of 'the cattle on the paternal side' and 'the cattle on the maternal side' his description is more in accord with realities because he includes among 'the cattle on the paternal side' those beasts which go to the bride's mother and uterine brother, since the father gets them if he is alive. The western Nuer way of counting bridewealth is therefore less symmetrical than the eastern way of counting it. This difference is superficial, because in all parts of Nuerland the same relationships are a title to approximately the same number of cattle.

The persons who have, in virtue of one of these emphasized relationships, a right (*cuong*) to cattle are called the *ji cungni*, the people with a right. They say: '*Manlen a cuong*', 'The maternal aunt has a right'; '*Wac a cuong*', 'The paternal aunt has a right', and so on. The cattle which the various relatives of the bride will receive in a perfect distribution, each according to his right, are indicated below:



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It must be added that the four grandparents of the bride are entitled each to a cow, called *wangnen*, in certain circumstances, but they are not mentioned in the distribution given above because it is assumed that by the time their granddaughter is old enough to be married they will be dead. It is a rule that in the event of any claimant being dead his, or her, sons inherit the right to cattle. Thus the cattle of a *gwanlen* (father's brother) go to the *gaatgwanlen* (father's brother's sons), the cattle of a *wac* (father's sister) go to the *gaatwac* (father's sister's sons), and so forth. But whereas cattle must be paid, whatever may be the circumstances, to the names of these kinsmen, a grandparent only receives a cow if he, or she, saw the bride before he, or she, died. It is possible, therefore, for there to be four *wangnen* claims, but there are generally only one or two at most. The *wangnen* of the father's father goes to one of his sons by a different mother to the father's mother. The *wangnen* of the father's mother goes to one of her sons other than the father. These are the *wangnen kwi gwane*, the cows of the grandparents on the paternal side. There may also be two *wangnen kwi mane*, cows of the grandparents on the maternal side, that of the mother's father going to one of his sons by a different mother to the bride's mother's mother, and that of the mother's mother going to one of her sons. Thus in the diagram below, A's cow goes to M, B's cow goes to N, C's cow goes to O, and D's cow goes to P. As will be explained later, these cattle of the grandparents are not paid in addition to the forty already listed.



Some features of this mode of distribution are worth attention. The cattle are divided among both paternal and maternal relatives of the bride and this bilateral distribution may be wrongly interpreted. It is by no means simply a recognition of the bride's kinship to certain of her kinsfolk, but is also an acknowledgement of obligation between siblings and towards affines. The payment to the bride's paternal uncles is not only an expression of the relationship between a father's brother and his brother's daughter, but also of that between brother and brother. A man marries from the

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- 583 family herd in which his brothers have equal rights with himself, and his wife is, as the brothers say, 'our wife', because she was married with 'our cattle'. She acts in domestic duties as a wife to her husband's unmarried brothers as well as to her husband, although she cohabits with him alone, and her children are all 'our children' since they are 'children of our cattle'. All the brothers therefore have rights in the daughters of each. Brothers stubbornly insist on these rights, and it often happens that a girl's paternal uncle proves to be the most serious obstacle to bringing about her marriage, for he will not hesitate to veto it if he thinks he is not getting his fair share of the cattle. Every Nuer knows exactly where he stands in such matters, for even children know how bridewealth ought to be distributed and can at once tell roughly what cattle each kinsman will receive on the marriage of the daughter of one of them.

Likewise the transfers made to the bride's maternal uncles are not only an expression of the relationship between a mother's brother and his sister's daughter, but also of that between a man and his wife's brother. Nuer stress that at marriage only part of what is due to the bride's family is handed over to them and say that the rest will be paid when their daughter has borne female children and these children are married. The extra-family kinsmen, the paternal and maternal uncles and aunts of the bride, receive their share of her bridewealth once and for all at her marriage, often at the expense of the intra-family kinsmen, her parents and brothers and sisters, who will, in compensation, receive in addition to what is paid to them at her marriage some ten head of cattle on the marriage of each of her daughters. It must not be forgotten that the maternal uncles and aunts of the bride are the brothers-in-law and the sisters-in-law of her father, and that the part of her bridewealth paid to them is to some extent considered as a deferred payment incurred at her mother's marriage. Hence Nuer, when counting the cattle to be paid on marriage, conclude by saying: 'And when the bride's daughters are married more cattle will be paid to their mother's brothers.' It should be noted also that the sibling relationship is acknowledged in the distribution of bridewealth on the maternal as on the paternal side. All the brothers have rights in their sister and in that part of the bridewealth of her daughters which is due to their family. Here again, even small boys know their rights as maternal uncles,

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or as future maternal uncles, and youths regard them as policies 583
 which will fall due in the future and enable them to marry wives 602
 themselves.

We must distinguish, in discussing the transmission of bride-wealth among the Nuer, between the transfer of cattle by the bridegroom's people and its distribution among the kinsfolk of the bride. The bridegroom's people are only interested in this distribution in so far as it affects the total of cattle they will have to pay. They come to the lengthy negotiations which precede the wedding dance prepared to pay a certain number of beasts, and so long as their estimate is not exceeded it is a matter of little interest to them what arrangements about their distribution the kinsmen of the bride make among themselves. The bride's father must make his own terms about the distribution with his brothers and sisters, and the bride's senior maternal uncle with his brothers and sisters. The necessity for them to come to some agreement among themselves will be evident later.

Another important feature of bridewealth distribution is the distinction made between sons of the mother (*gaatman*) and sons of the father (*gaatgwan*). This distinction is made not only between the full and half-brothers of the bride but also between the full and half-brothers of her father and mother. In the generation of her uncles the differentiation between full and half-brothers is indicated by stating whether they are uncles *kwi mane*, on the mother's side, or *kwi gwane*, on the father's side; the terms *kwi dwiel* on the side of the hut, and *kwi luak*, on the side of the byre, being commonly employed as alternative indications. The statement of the ideal distribution thus assumes polygamous families.

When the father of the bride is alive the distinction between her full and half-brothers is only formally represented in the division of her bridewealth because the cattle given to any of her brothers join their father's herd and he uses them as is customary, which means that they are held as family stock from which each son marries in order of seniority, being given by his father for this purpose what cattle are available, without regard to the title by which they entered the herd. Thus one son may marry with cattle which were allotted to another son in the distribution of their sister's bridewealth; so the fact that on the marriage of one of the sisters several cattle are allotted to the uterine brother does

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583 not mean that he can dispose of them as he pleases, and he would
602 not, were his father alive, be able to reserve them for his own marriage exclusively. If the bride's half-brother is older than he the half-brother will use some of these cows to marry and no objection can be raised to his doing so. To object would, in Nuer eyes, be a grave breach of custom amounting to the breaking up of the family and home and the severing of vital bonds of kinship. Even after the father is dead the herd ought to remain common stock, and all cattle accruing to him and his sons on the marriages of his daughters ought to join it for the benefit of all his sons alike, so that they may marry from it in order of seniority. If there is only one widow this is likely to happen, but when there are several widows the family often breaks up, the widows going with their children to live in different places, and the herd may in course of time become scattered. Eventually the family, especially the composite or polygamous family, ceases to have corporate interests in a common herd and splits into a number of property units, each brother having a family and herd of his own. The brothers then live in separate homesteads and sometimes in separate villages, and the cattle they receive as paternal and maternal uncles therefore join different herds. Often some of the brothers are by this time dead and the cattle then go to their sons, whose ties with their paternal uncles are weaker than those uniting brothers.

In reckoning the cattle which have to be transferred Nuer distinguish between those beasts which receive a precise linguistic indication and the remainder. Those terminologically differentiated are regarded as the minimum payment on which negotiations can start. Whatever else the bride's family and kin get, they must get certain animals or the marriage cannot take place. Hence these basic claims take precedence and their titles are always the first to be acknowledged. The conventional order is as follows:

1. *wangnen gwane*, the cows of the paternal grandparents.
wangnen mane, the cows of the maternal grandparents.
2. *yang gwane kene doude, ke thakde*, the cow of the father with its calf, and his ox.
yang mane kene doude, the cow of the mother with its calf.
3. *yang gwanlene kene doude, ke thakde*, the cow of the paternal uncle with its calf, and his ox.
yang nara kene doude, kene thakde, ke puangde, the cow

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1002 of the maternal uncle with its calf, and his ox, and his
puang (ox).

4. *dou (nac) waca*, the calf (heifer) of the paternal aunt.
dou (nac) manlene, the cow (heifer) of the maternal aunt.
5. *yang kwoth gwande*, the cow of the father's spirit.
yang kwoth mande, the cow of the mother's spirit.
6. *thak deman*, the ox of the uterine brother.
thak gat gwan, the ox of the paternal half-brother.

It will be observed that these titles to cattle are in pairs of collateral relationships. If a person standing in any one of the relationships is dead, his claim takes precedence over claims of the living, and for this reason they generally begin the tally with the *wangnen* cows of the grandparents. 'First the claims of the ghosts must be settled, then we can settle the claims of us who remain alive.' In actual payments of bridewealth the fact that the kin of the bride are able to claim one or more cows of this title does not mean that they receive more cattle on this account than they would otherwise have done. Circumstances, to be discussed later, fix the total payment within approximate limits known to both parties to the contract, so that all that happens is that a cow which would in any case go to one of the bride's uncles as part of his portion of the bridewealth is handed over to the name of a dead grandparent.

A few words may be said about the *yang kwoth*, cow of the spirit, which figures in most bridewealth transactions. This animal is paid in honour of the spirit of the father or of the mother of the bride. The spirits are of various kinds. If one of them is a totem and is associated with a special colour, the bride's parents will endeavour to obtain from the bridegroom's kin a cow of that colour, e.g. a tawny cow for the lion-spirit and a brindled cow for the crocodile-spirit. A cow so dedicated to a spirit must remain in the kraal of the parents, and now and again they rub ashes along its back and pour milk over its tethering-peg and invoke the spirit. The spirits of the family are thus made cognizant of the marriage and are a party to the pact, just as the ghosts are informed of what is taking place and are invoked as witnesses at the wedding ceremony. Spirits and ghosts are *jicungni*, claimants entitled to a share in the bridewealth, and were they to be denied their right the marriage would not be fruitful. When each parent has a different

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- 583 spirit both must be honoured by having a cow of the bride-
 602 cattle dedicated to it, though one spirit may receive a cow on the marriage of one daughter and the other on the marriage of her sister. Here again, this does not necessarily mean that the family of the bride get an extra cow, for generally one of the cows they would in any case have received is dedicated to a spirit and paid in its name. Sometimes, however, the bride's people do not put forward the claim till the end of the marriage negotiations, when the bridegroom's people think that a settlement has been reached and have already offered as many cattle as they are prepared to give. It is more difficult for them to refuse an extra cow to a spirit than to a man. If they are wise they will get to know all about the spirits of the bride's family—there may be more than two—and anticipate the claim by keeping a cow in reserve to meet it. Generally these essential claims are settled at the first bridewealth discussions held in the byre of the bride's father.

The maternal side of the family have a prior claim to consideration in that, as already explained, their portion is regarded to some extent as a deferred payment standing over from the marriage of the bride's mother. If there are not enough cattle to satisfy everyone at the time of the marriage the paternal relatives are usually prepared to allow the bridegroom to remain for some years in their debt, but the maternal relatives are less willing to forgo immediate satisfaction. The maternal kinsmen cannot make exorbitant demands because they have only a right to a conventional proportion of the bridewealth and the approximate number of cattle to be paid to them is therefore determined by the total number to be paid all round.

- 583 In marriages today the actual payments and distributions of
 602 cattle to definite persons, as distinct from the ideal allotment of
 178 fixed portions of the bridewealth to relationships, vary according to circumstances, the chief of which, apart from the relative desire of both parties to bring about the union, are the wealth in stock of the Nuer as a whole, the resources of the bridegroom's family and kin, the number of claimants and the shares allotted to them in other marriages, and the configuration of the bride's family.

There is good reason to suppose that till thirty to forty years ago cattle were so plentiful in Nuerland that bridewealth was paid at the ideal rate of 40 head. In recent years the herds have diminished through rinderpest, and raids on Dinka stock, the

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traditional means of recuperation, are prevented by the presence of the Anglo-Egyptian government. Diminution has been fairly uniform throughout the whole of Nuerland, and it would today in all parts be impossible for a man to raise as many as 40 head of cattle for marriage. The usual payment is from 20 to 30. It has been mentioned that there are a number of relationships with basic rights and the persons standing in these relationships, or representing those standing in them, must be guaranteed their portions to the number of cattle enumerated in the list presented above. Consequently, even if there are no *wangnen* and spirit claims, the bridewealth cannot fall to less than 16 beasts. On the other hand, it cannot rise to more than the bridegroom and his people possess or are prepared to give, what they are prepared to give being mainly decided by what they possess. The bridewealth will therefore be somewhere between these two points. Now, the bride's family know fairly accurately what cattle are available and state their demands in the light of their knowledge, and the bridegroom's family know who are likely to put forward claims and, also, how many cattle they can muster, and they make their offer accordingly.

It is evident from the lengthy discussions that continue for hours at a time, and sometimes for days on end, that there is no absolutely fixed payment. What happens is that the basic claims are first settled in a preliminary manner, for there can be little argument about these, and further demands are then debated. The main concern of the bridegroom's party is to conduct the negotiations in such a way that they will not have promised up to the estimate they have allowed for before an adequate number of cattle have been allotted to all the persons who are beyond question entitled to them. They usually aim at settling all the outside claims before tackling the full family claims, in the settlement of which they may expect some forbearance. The family are as anxious as the bridegroom's people to settle the outside claims, for they are claims on the bride's father as much as on the bridegroom, and until they are met he cannot reap any benefit himself from the marriage. To facilitate their settlement the family are generally prepared to forgo some of their own rights and the expectation of full immediate payment.

The discussions are in terms of particular cattle. The bridegroom's people offer certain animals and these animals are known

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583 to the bride's people. The spokesman for the bridegroom says, for
602 example, that they have a brindled cow and its calf in such-and-such a kraal, and the spokesman for the family replies that these will be the cow of the mother and its calf. The bridegroom's maternal uncle says that he will give a white cow with a black head and rump and its calf, and a white-faced ox, and the people of the byre decide that the cow and its calf will be the cow of the father and its calf, and the ox will be the ox of the uterine brother. To follow these negotiations it must be remembered that they have been preceded by lengthy private discussions by each party among themselves. The bridegroom's party have agreed among themselves which particular animals each is willing to contribute, what they intend to offer the bride's people, what claims are likely to be put forward, and how they can be met. The bride's party have discussed what animals the other side possess, what they are likely to offer, and what they themselves want. The haggling at the final meetings between the two parties is on the surface and concerns only marginal beasts which the bride's party hope to obtain above what the bridegroom's party wish to give. It is not really greed on one side or parsimony on the other, but part of the traditional procedure of marriage. Both sides are expected to behave in this way in marriage negotiations.

As long as the girl's family receive a good number of the cattle before she has passed through the final ceremonies and can expect that the remainder will eventually be paid they will not press for settlement. Nuer can be very generous in this matter, and if a son-in-law is respectful and industrious they will not break the union because he takes a long time to pay the final cows, for marriage is not simply handing over a girl in exchange for cattle but is the creation of a series of new social relationships which, once formed, are not easily or lightly severed, especially when the union is completed by the birth of a child.

Sometimes the final cows are never paid. If the husband has cattle and his wife's brothers want to marry, they may raid his herd and take the beasts owing to them. But debts of this kind are subject to a rule of limitations. If the cattle have not all been paid before the eldest son of the marriage is initiated into manhood the debt lapses. Therefore a brother tries to obtain the remainder of his sister's bridewealth before this happens. An illustrative case occurred in western Nuerland in 1936. An initiated lad, who had

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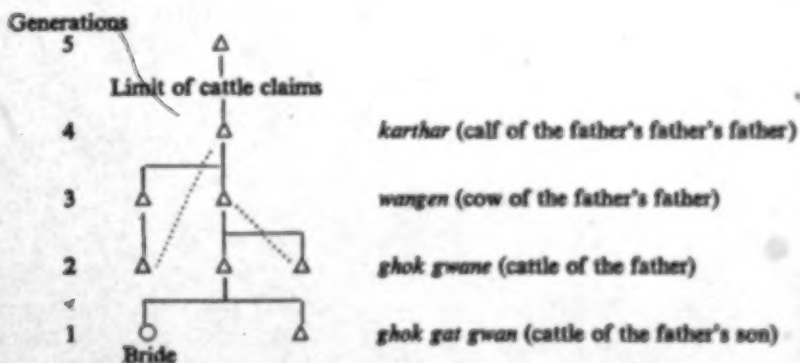
been working for me, brought back three cows to add to the family herd in his father's kraal and his maternal uncle seized one of them on the grounds that his mother's bridewealth had not been fully paid. The elders of the village counselled its return, saying that the calves would die, and their advice was taken. The opinion expressed on this occasion was that when a son is initiated he becomes part-owner of the family herd and that a maternal uncle cannot take cattle from the herd of his sister's son in payment for his sister's marriage. Also, if cattle are owing, claimants cannot take them from the bridewealth of a daughter of the union, that is to say, from cattle allotted to the bride's family. They get their due portions from the daughter's marriage, but 'the cattle of a mother and the cattle of her daughter may not meet'. It is thought that the daughter would be barren were this to happen.

Distribution, as distinct from the total transfer, is also affected by the number of persons who demand cattle. There may be several persons standing to the bride in any given relationship. If, for example, there is only one paternal aunt, she gets her cow on the marriage of each of her brothers' daughters. If, on the other hand, there are several paternal aunts, they take it in turn to receive the cows due to that relationship. Difficulties are sometimes settled between two claimants of like relationship to the bride by one of them taking a cow and the other its first calf. Sometimes they take it in turn to receive their due, and, at the same time, admit the rights of the others to a calf each. In this way each claimant may ultimately receive part of the bridewealth on each occasion of its distribution. On the other hand, there may be no person in the relationship entitled to cattle. In this case, as already explained, a lineal heir is entitled to the beasts; but a collateral kinsman may not inherit. If there is neither a claimant nor a lineal heir other relatives on that side of the family receive larger shares than they would have expected had there been either. To reach an understanding of any actual distribution it is often necessary to relate it to distributions at other marriages, for, especially today when cattle are scarce, consideration will always be given, in seeking a fair agreement, to rights claimed or forgone in previous, and to expectations in future, marriages of daughters of the family and kin.

Paternal kinsmen genealogically farther removed from the bride than those indicated by specific kinship terms (relationships with

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602 a fixed title to bridewealth) may claim some small gift, such as a sheep, goat, or spear, in their own right from the bridegroom's people. Though these casual claims count as part of the bride-wealth in that their return can be asked for in the event of divorce, their settlement is regarded more as a courtesy than as an obligation. A borderline case between bride-cattle proper and such small gifts to distant kinsmen is that of the calf, called *karthar* among the western Nuer, which may be claimed by a collateral kinsman who is a patrilineal descendant of the bride's father's father's father. This payment is sometimes made, as a sign that the patrilineal limit of bridewealth claims has been reached and that no demands will be accepted from collateral kinsmen tracing their common descent with the bride from an ancestor yet farther removed.



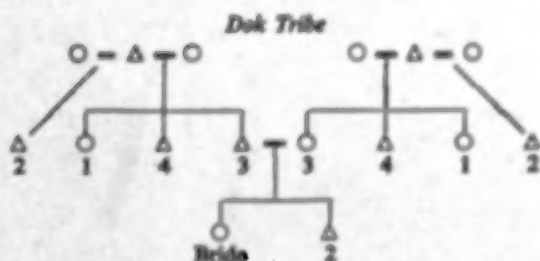
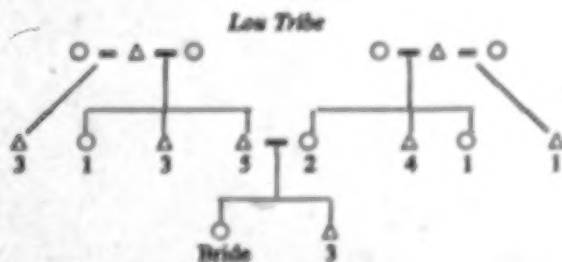
However, any cognatic kinsman up to six or seven generations removed from a common ancestor with the bride may attest his kinship by asking a small gift, and it will not be refused. This privilege, which is not widely exercised, includes also natural and affinal kin. I have seen a bride's maternal uncle's natural (not legal) son and a bride's paternal uncle's wife's brother demand, and given, spears at marriages. The master of ceremonies of the bride's family is always given a calf, sheep, or goat, known as 'the cow of the spear' (with which he made the invocation).

As said above, actual distribution of bridewealth among persons depends also on the configuration of the bride's family. At this point it need only be said that distribution on the marriage of a daughter born of a simple legal union is the pattern for distribution at marriages of daughters born of other kinds of union. We

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need only note further that when the genitor of the bride is a different person from her pater, as is often the case among the Nuer, he has a right to a cow, 'the cow of the begetting', and that this takes precedence over all other claims. If he has also brought up the bride his right is more extensive.

I conclude this section on bridewealth with three illustrations of actual payments and distributions at the present time. The first is from the Lou tribe of eastern Nuerland, the second from the Dok tribe of western Nuerland, and the third from the Leek tribe of western Nuerland.

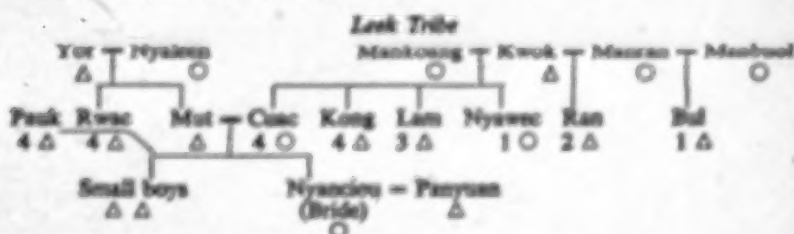


It will be observed from these two examples that in spite of smaller payments today the balance of distribution between paternal and maternal relatives is preserved. It will be noted also that smaller bridewealth does not mean that the rights of the family take precedence over those of the extra-family kinsmen. On the contrary, the family bear the greater proportional loss. In the Lou marriage the family received only 10 out of 23 beasts and in the Dok marriage only 8 out of 22 (the calf received by the master of ceremonies in each case not being included in the reckoning). The uncles and aunts must always be satisfied and their claims settled first, so that if there is to be a loss or debt the family must

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583 bear it. This conclusion was borne out by records of payments in
602 other marriages.

I now examine in greater detail a payment of 23 beasts in a marriage in the Leek tribe to show the kind of considerations which affect distribution of bridewealth in particularly marriages. At the time of my inquiries the marriage had been consummated but a child had not been born.



Pauk, the biological father of the bride, received three beasts in addition to 'the cow of the begetting'. There were two reasons for this generosity: he had brought the bride up from birth, and he was living with her mother and kept his cattle with hers. He was, in fact, acting as husband and father in the bride's family, and since he had no family of his own the bride's small brothers (not named in the chart) were regarded as his heirs. He had begotten them also. So the family received in fact eight beasts and not just the four shown in the chart, which, the father being dead, were allocated to the names of father and mother jointly. It was agreed also that the bride's eldest brother should receive a cow (not listed in the chart) before the eldest son of Nyawac's marriage to Panyuan is initiated. Rwac, the bride's paternal uncle, received in addition to the three animals held to be the right of the paternal uncle in the discussions preceding the marriage a fourth beast, the cow of the paternal aunt, since there was no one standing in this relationship to the bride. This was not an inherited right but a device for ensuring that the father's side to the marriage received their fair quota of cattle. Such adjustments are common in division of bridewealth. In other respects distribution on this occasion was normal and requires no further comment.

It may be noted, however, that though the allocation of cattle was as I have just stated it the full brothers of the bride's mother had not yet received their shares of the bridewealth. The reason for this was that the bride was not living with her paternal kinsmen,

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who took little interest in her, but she and her mother were living in the village of her maternal kinsmen, from which she was married. The paternal kinsmen therefore in this instance received the cattle immediately available for distribution. Had the bride been living with her paternal kin the maternal uncles would not have been so accommodating. It may further be noted that whereas the maternal half-uncles had received their share of the cattle, the senior maternal full uncle had received up to the time when my inquiries were made none of the animals promised to him and the junior maternal full uncle was still owed a heifer. The maternal half-uncles had to be given their shares first because if any debt is incurred it must be borne by those primarily responsible for the marriage agreement and chiefly in control of its arrangements, in this case the bride's full maternal uncles in whose village she was living. The single example I have given will, I hope, be sufficient to show how various circumstances may influence any actual distribution of bridewealth.

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In the account I have given of bridewealth it was brought out that there are two connected, but separate, movements in its transfer: the payment by the bridegroom's kin to the bride's kin, and the further division of the cattle among the bride's relations. I feel that it would be profitable here to make some further comments on the first movement in order to elucidate the general functions of bridewealth in Nuer society.

It is no longer necessary to show that the African payment of bridewealth is not a purchase. But to say that it is not price or purchase is not to say that the objects handed over have no significance outside the particular purpose they serve in bringing about a union. Cattle for Nuer are one of the main sources of food and they supply many other domestic requirements, they have a prestige value, and they have religious importance. The payment or receipt of bridewealth changes a man's fortune in a very material way. The bridegroom's family are impoverished, sometimes to the point of privation, though their kinsmen and affines will help them if they reach this point; while in the bride's home the milk gourds and butter gourds are full. A man who receives only one cow of the bridewealth has in it the promise of a herd.

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583 It is for this reason that Nuer found it difficult to understand
602 what I meant when I told them that among my people we marry without paying bridewealth: 'It does not matter. After all, every country has its own customs. But is it right that the father and mother of your wife should go empty-handed when you marry, or is it better that they should be full, that the father should be full and the mother full?' Of the neighbouring Anuak people, who marry with beads and spears, they say: 'Of what use are these things? Can people live on them?' In making their demands on the bridegroom's people the bride's people try to obtain above all lactating cows and their calves or heifers in-calf so that they may enjoy immediate benefit from the transaction.

Nevertheless, Nuer men show greater interest in the bride-wealth character of cattle than in their nutritive qualities. It is not that having great nutritive value they acquire through it a general social value, become a standard of worth, and are therefore employed in ritual, for indemnification of injury, and as a means of acquiring a mate. It is rather that their use as bridewealth gives them their supreme value in Nuer eyes. Cattle stand for a wife and are therefore the most important thing in a Nuer's life, because a wife means to him his own home and that he becomes a link in the lineage by fathering a son. Nuer do not grudge the loss of a herd to obtain a wife. They lose cattle, but the wife will bear them daughters at whose marriages the cattle will return, and sons who will herd them.

It is therefore a common-sense inference that payment of bride-wealth has a stabilizing action in marriage. If the wife leaves her husband the cattle will have to be returned, and as it would be always unpleasant, and often difficult, to return them it might be supposed that the wife's family will use their influence to make her remain with her husband. There is some truth in this supposition, for Nuer know only too well the confusion, and consequent resentment, that may result from the dissolution of a marriage: 'But with us Nuer, if a wife leaves her husband what will his kinsmen do? For they have given some of the cattle to her paternal uncles, some to her maternal uncles, some to her paternal aunt, and some to her maternal aunt. A wife should be obedient to her husband, for she has been married with cattle.' It must be remembered that not only have the cattle to be returned but their calves also—I have known a divorce in which one of the bridewealth cows

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had to be returned with no less than eight calves—and as these may have been widely dispersed much altercation may ensue. Indeed, one of the earliest British officers in Nuerland wrote that 'the system of marriage among the Nuer is the cause of nearly all their quarrels and troubles'.* Everyone concerned with the marriage stands to lose by its dissolution and they will try to prevent divorce.

Nevertheless, it can only be accepted that payment of bride-wealth stabilizes marriage to a very limited degree. That this is so can best be understood by considering the question in relation to what happens at divorce. The marriage tie is severed by the return of the bridewealth because either the wife has died childless or her husband's people give up their rights in her. In either case, if there are no children, all the cattle have to be returned, except 'the cow (ox) of the hairs and the cow of the skirts',† unless they have died a natural death in the homesteads of the recipients. If the wife dies after bearing a single living child the usual procedure is for the extra-family kinsmen to return their portions of the bridewealth and for the family of the wife to retain their portions, the child remaining with his father. If the wife leaves her husband after the birth of their first-born his kin may decide to claim the return of their bridewealth except for six head of cattle, which the husband leaves with his wife's people to retain his rights in the child (*ruok*). These six beasts, including the two of 'the hairs and the skirts', are kept by the family of the wife. The extra-family kinsmen lose their portions of the bridewealth. The wife by this procedure is divorced and can remarry. On the other hand, they may leave all their cattle with the wife's family and kin and maintain thereby their rights in any children she may 'bear in the bush', that is, by lovers. She is then not divorced, but is only separated, from her husband, and she cannot remarry.

I was told that if a wife dies after having borne two children no cattle are returned, it being held that 'cattle which have children

* Bimbashi H. Gordon, *Sudan Intelligence Reports*, June 1903, No. 107.

† According to my own information these two animals are always retained by the bride's parents should the marriage be broken up after the consummation ceremony and are regarded in some part as payment for loss of the bride's maidenhood at the consummation and in some part as compensation for the expenses of the nuptial ceremonies. Mr. H. C. Jackson (*Sudan Notes and Records*, vol. VI, 1925, p. 155) says that they are left with the parents only if the husband is responsible for the dissolution of the marriage. Mr. P. P. Howell tells me that he is of the same opinion as Mr. Jackson.

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586 approbation and censure, which give stability to marriage and
602 security to the family that derives from it. Divorce is due to failure of one or other of the parties to live up to the code of conduct expected of him or her, and Nuer regard it as a misfortune in which there is also an element of the shameful.

581 Conjugal and affinal relations are personal relationships which
602 require adult adjustment that is not easy. A Nuer regulates his behaviour to the persons around him through kinship values of one kind or another. Owing to the extensive area of kinship covered by Nuer marriage prohibitions, a man cannot marry into a family or lineage with whom he has already close kinship ties. He must therefore marry the daughter of people who are under no obligation to provide him with a wife or, indeed, to assist him in any way. This means forging new social links which by their nature cannot at their inception be of a kinship order. Nuer bridewealth payments are thus complementary to their marriage prohibitions.

Eventually affinal ties are, by slow degrees, transformed, as Nuer themselves say, into kinship ties. The birth of a child gives the wife kinship with her husband's people and the husband kinship with his wife's people. They say that *ruagh*, in-law relationship, becomes *mar*, kinship. Bridewealth payments may therefore
583 be viewed as a technique for creating new social relations between
602 persons between whom there are no well-defined patterns of behaviour and for maintaining them. They are one of the many ways in which gifts and payments are used for this purpose, and have this function, in primitive societies. Bridewealth may thus be thought of as providing a kind of social scaffolding, a temporary structure of behaviour patterns, which enables the union to be built up. It ceases to be of any great significance once the new family is firmly established after the birth of the second child.

The payments do not so much give stability to the union of marriage as they are a recognition of its stability. The parents do not accept a suitor unless they are satisfied that he has the qualities of a good husband; and I have shown how the marriage is slowly formed through a series of ceremonies and rites, each marking a stage in the transference of the wife from her own people to her husband's people. Each rite is an acknowledgement that the marriage is a little more stable and complete and compels further payments, which are both an expression on the part of the husband's people of a sense of security and a means of bringing about

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the next rite, and through it greater security. When the bride's people consent to hold the next ceremony they express by so doing their confidence in the final outcome. Marriage is not a single act. It is a succession of interconnected acts leading from courtship to the birth of children, and bridewealth is not a single payment but a succession of payments in response to the changing status of the wife and the increasing maturity of the union. As Nuer see it, these payments continue long after the marriage is fully established in the birth of calves and the progeny of these calves and of their progeny, a constant redocumentation which is balanced by the birth of children to the wife and of children to these children. 583
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Bridewealth has so far been viewed as a means of organizing personal relations between the husband and his people on one side and the wife and her people on the other side. It has also a more general structural function. When a woman is married she is transferred from one lineage to another. The husband alone has sex rights in her, but all his brothers and paternal cousins have residual sex rights in her, and his unmarried brothers may benefit from her labour as much as he does. The husband's exclusive marital privilege is recognized in the acknowledgement that he may claim damages for adultery. He has, of course, also rights in any children she may bear, but the children are not only his. They are children of his lineage. The rights of the husband and any of his kin living with him to the domestic services of his wife are evident in the performance of them and in the acceptance that he may correct her should she neglect them. 583
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For the loss of their daughter, or rather of her children, her lineage receive cattle which enable them to obtain a wife from a third lineage to bear them children. When the daughters of these wives are married, the cattle received for them enter the kraals of the lineages to replace those which left them on the marriages of their mothers. In practice the total operation is not as simple as I have stated it because the cattle do not all go to one lineage but are partly distributed among the kinsmen of the bride's father and mother, but this is corrected by the fact that the cattle the father and paternal uncles do not receive on the marriage of their daughter come to them through other marriages in which they stand to the bride in other relationships. Hence it is that Nuer often speak of the lineage marrying a wife with its cattle or giving their daughter in marriage to another lineage for cattle. They say, for example,

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- 583 that 'cieng Pual have married a wife', or that 'cieng Dumien have
602 given their daughter in marriage'.
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To understand the functions of bridewealth in Nuer society it is therefore necessary to view its payment in a wider social setting than is provided by any particular marriage. It is necessary to see it, as Nuer themselves do, as a series of transactions, and to perceive furthermore in an exchange of cattle for a wife an exchange of a daughter for a wife. Bridewealth may be fruitfully compared 583
681 from this point of view with bloodwealth, the payment of cattle in compensation for homicide. This is forty head of cattle, the same number as is paid for a bride, and the cattle are divided among the kinsmen of the dead man on the same plan of distribution as that obtaining in the distribution of bridewealth, though about half are reserved for marrying a wife to the name of the dead man to bear him a son. As bridewealth enables a woman to be replaced by a woman so bloodwealth enables a man to be replaced by a man. It is worthy of note that the rate of bloodwealth has fallen in recent times to about the same level as the rate of bridewealth. Nuer see the similarity between them, for I have heard them complain that the government was attempting to fix bloodwealth without fixing bridewealth at the same rate, whereas what the one is the other should be.

583 To see the Nuer custom of bridewealth in its structural per-
613 spective we must therefore think in terms of lineages. Children are attached by payment of bridewealth to the lineage of their father. They are 'children of the cattle' and therefore of the man in whose name they were paid, and they become joints in his branch of descent. The man in whose name the cattle were paid is always their pater, the legal or lineage father, whether he is their genitor or not. If he dies, the widow should be taken by one of her 'husbands' and the 'fathers' of his sons, that is to say, by one of his brothers. But even should a widow decline to cohabit with one of her husband's paternal kin and prefer to live as a concubine with some man unrelated to her dead husband, any children she may bear are his children. Every child must have a pater or, which is saying the same thing among the Nuer, belong to a lineage, and if an unmarried woman has a child it is legitimized either by subsequent payment of bridewealth or by payment of a fee.

583 The two most important functions of bridewealth in Nuer society appear to me, therefore, to be its role in creating new social

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ties between persons and of regulating the interrelations between these persons till such time as their relationships become assimilated to kinship patterns—broadly speaking its role in the kinship system—and its structural role in interlineage relations. 583

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The parents and kin of a young wife scarcely acknowledge her husband's existence until a second child has been born to the union. If there is any need to refer to him they speak of him as *co*, the husband of, followed by his wife's name, and they speak of his village as his wife's village and of his children by reference to her name and not to his. It is also customary for the wife's people to give her children different personal names from those given them by their father's people, and if they address them by an honorific title they use that of their own clan and not that of the husband's clan. [601]

Nevertheless, after the birth of the first child the marriage is held to have become a complete union. The husband has established a kinship tie with his wife's kin, who now address him as father of so-and-so, after the name of his eldest child. He is no longer merely the husband of their daughter. Instead of paying clandestine visits to the home of his parents-in-law (*ciengthu*) he may visit them openly, though he must continue to treat his in-laws, particularly his parents-in-law, with great respect, expressed in formal modes of address, which are reciprocal, and in other ways, most emphatically in the prohibitions on eating in their home and appearing naked before them.

Even before a young man has started to look for a bride he will not generally eat with much senior men, unless they are kin, because one of them might become his father-in-law. Once he has asked for a girl's hand in marriage he may in no circumstances eat in her home, and the prohibition continues, sometimes greatly to his discomfort, until two or three children have been born, when it is relaxed by a formal ceremony if the parties are on good terms with one another. The father-in-law prepares beer, kills a goat or sheep, and invites the son-in-law and his kin to his home to partake of a feast. He tells his son-in-law that there is no need for him to respect his parents-in-law any more. The son-in-law will refuse to eat, however, till compelled to do so by the insistence of his father-in-law's kin and by his father-in-law's gift of a cow, 'the [576]

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eastern Nuerland for good and was completing my study of the Nuer in western Nuerland, but Mr. Howell assures me that it is common to all the tribes to the east of the Nile except the Jikany. Among the western Nuer it is believed that if the cattle are not returned the child may die and his ghost haunt his pater. The sixth cow, the one that remains with the husband, is called *yang kula*, the cow of the hide. The payment protects the husband from the sickness he might otherwise suffer were he to have relations with his wife after the adulterer has had relations with her—on the same sleeping-hide, as the Nuer put it. Among the western Nuer an adulterer may even receive 'the cow of the begetting' on the marriage of a daughter born of his adultery. I was told that her kin do not relish paying it, but may do so because it is feared that otherwise he may curse her and cause her to be barren or her children to die in infancy. In no circumstances can an adulterer claim the child of his adultery. Likewise a youth who impregnates an unmarried girl cannot claim the child of his fornication.

It will have been noted that the test of the nature of a procreative union is in the division of the bridewealth of a daughter born of it among those who count in one or other way as members of her family, and I conclude this section by a summary of the rules which regulate its distribution. When the pater is alive he receives 'the cattle of the father' and 'the cattle of the mother'. If he is dead they go to his sons, the bride's full and half-brothers. In ghost-marriage and leviratic marriage these rights are vested in the bride's brothers. The genitor as such has no legal claim to these cattle, but, since in a ghost-marriage he stands in the place of the pater with regard to the bride's brothers as well as to the bride herself, the cattle in any case join his herd and he will dispose of them in the interests of his sons, the bride's brothers. When the genitor has begotten the bride in leviratic marriage, division of the cattle may be more complicated because the bride may have grown-up brothers begotten by her dead pater. When the bride has been born in widow-concubinage the cattle which are the right of the parents go to her brothers, those due to the father going particularly to any sons begotten by her pater.

The genitor in ghost-marriage and in leviratic marriage may always ask for a cow for having begotten the bride in addition to any cattle due to a kinsman standing in his relationship to her. The cow of the begetting' or 'the cow of the loins', as it is also

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583 called, is likewise paid to the genitor of daughters born in widow-concubinage, and if he acted also as foster-father to the bride and her brothers and sisters—'cut meat for them', as Nuer say—he may receive another two to four head of cattle of her bridewealth for having fostered the family. Also, when the daughter of his natural daughter is married, his legal son can claim a beast of the bridewealth. As I have explained, an adulterer may receive a cow on the marriage of his natural daughter, though I doubt if it is often paid.

There is no 'cow of the begetting' when the daughter of an unmarried concubine is married because the genitor by payment of a fee has made himself the pater also. 'The cattle of the father' go to him. As he is not the husband of the mother, 'the cattle of the mother', or some of them, may go to different kraals, because the bride's mother's sons have rights in them, and they may have been begotten and legitimized by other men. For all these different cases I have stated only the principles of distribution of bridewealth. As I have explained earlier, actual distribution may be more complicated and depends on variable conditions. Among the Nuer these matters are discussed always in the idiom of cattle.

When a woman is married—that is to say, in all the cases we have considered except that of unmarried concubinage—division of the bridewealth of her daughters is determined by payment of bridewealth for herself. The person in whose name she was married with cattle is the pater of her children whether he begat them or not, was dead or alive at the time of her marriage and the birth of her children, or is a man or a woman. Hence it follows that agnatic descent is, by a kind of paradox, traced through the mother, for the rule is that in virtue of payment of bridewealth all who are born of her womb are children of her husband and therefore paternal kin, by whomsoever they may have been begotten. They may count as children of a man their mother has never even seen. They may have been begotten by several fathers, but they all have the same pater. It is the fertility of the womb which a lineage receives by payment of bridewealth. All children born of that womb belong to the lineage; they are all agnates. This is a profoundly significant fact in Nuer society. It affects, among other things, the position of the family group in the kinship and lineage systems. The custom by which men in ghost-marriage and leviratic marriage raise up seed to their kinsmen subordinates the

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E. E. EVANS-PRITCHARD

PRINCIPLES OF DISTRIBUTION

43/583 LIKE many other African peoples the Nuer marry by the family and kin of the bridegroom handing over cattle to the family and kin of the bride. The marriage is brought about by this payment and by the performance of a series of ceremonial acts. Though these ceremonies and payments of cattle proceed *pari passu* as interconnected movements towards the completion of the union they can be treated separately. It should be remembered, however, that Nuer do not consider the union to be complete till a child has been born of it, even though spouses may continue to cohabit where the union proves to be unfruitful.

[121] This paper describes only the principles on which bridewealth is paid: these can be simply stated. In actual marriages the payment and distribution of the cattle may be complicated, but if one asks a Nuer how, on marriage, the bridewealth is divided, he gives at once its virtual distribution and it will be found that actual distribution in any particular marriage is made to approximate as far as possible to this ideal. Consequently, once the general principles of transfer are understood, the distribution of cattle on any particular marriage can be readily understood also. The general principles only are described and no account is taken of the variations which are found in many marriages, largely arising from peculiar configurations of the family among the Nuer.¹

583 43/602 Bridewealth should consist of 40 head of cattle. Among the eastern Nuer 20 are said to go *kwi gwon*, to the father's side, and 20 *kwi man*, to the mother's side, of the bride. Equal division between the bride's paternal kinsmen (including her father) and her maternal kinsmen (including her mother) is thus the first rule of distribution. Of the 20 beasts which go to the father's side, 10 remain with the father (or his sons) and 10 are divided among his family (his parents, brothers, and sisters); and of the 20 beasts which go to the mother's side, 10 remain with the mother (or her sons) and 10 are divided among her family (her parents and brothers and sisters). The second rule, therefore, is that the cattle are distributed in fixed proportions between three families: the bride's own family, her father's family, and her mother's family. The bride's own family receive 20 head of cattle, which are known as the *ghok dieth*, the cattle of the begetting. The families of the bride's father and of her mother each receive 10 head of cattle, known collectively as the *ghok cungni rar*, the cattle of the outside claimants, i.e. those who are outside the bride's own family. It should be noted in diagram I, in which these distributions are shown, that the bride's mother's sons count as her maternal relatives while her father's sons by a different mother count as her paternal relatives.

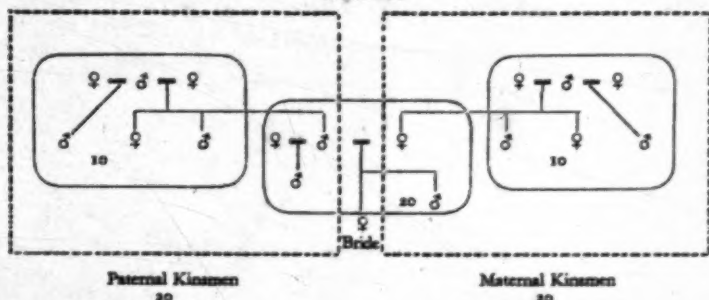
However, a Nuer does not state such distributions in terms of families but, when he is discussing the mode of distribution, in terms of individual relationships and,

¹ These are described in my brochure, *Some Aspects of Marriage and the Family among the Nuer*, Rhodes-Livingstone Institute, 1945 (first published in 1938 in the *Zeitschrift für Vergleichende Rechtswissenschaft*).

The economic and political life of the Nuer has been treated in my book, *The Nuer*, Clarendon Press, 1940.

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DIAGRAM I



when he is discussing particular marriages, in reference to persons standing in these relationships. Relationships are defined by reference to the bride. A Nuer counts the ideal distribution as follows:

	Cattle	Total
KWI GWAN (on the paternal side)		
<i>Gwan</i> (father)	A cow and its calf, a cow and its calf, an ox, another ox, a cow, and a calf ¹	8
<i>Gat gwan</i> (father's son)	A cow, and another cow ²	2
<i>Gwanen (indit) kwi man</i> or <i>kwi dwiel</i> (father's elder brother by the same mother)	A cow and its calf, a calf, and an ox	4
<i>Gwanen kwi gwan</i> or <i>kwi luk</i> (father's brother by a different mother)	A cow and its calf, and an ox	3
<i>Gwanen (intat) kwi man</i> or <i>kwi dwiel</i> (father's younger brother by the same mother)	A cow, and an ox	2
<i>Was</i> (father's sister)	A heifer ³	1
	Total	20
KWI MAN (on the maternal side)		
<i>Man</i> (mother)	A cow and its calf, and a heifer	3
<i>Deman</i> (brother by the same mother)	An ox, another ox, a cow (<i>yang deman</i>), another cow (<i>yang eka</i>), a cow and its calf, and another cow ⁴	7
<i>Nar (indit) kwi man</i> or <i>kwi dwiel</i> (mother's elder brother by the same mother)	A cow and its calf, another cow, and an ox	4

¹ The single calf is sometimes called *yang (ak)* and they say: 'It is like a gift thrown in for nothing.' The single cow is sometimes called *yang luk*, the cow of the byre, and is given to conclude the claims on the paternal side. One of the cows is usually the *yang luk*, the cow of the spirit of the father.

² These animals join the herd of the claimant's father, if he is alive, and count as his portion also. The father therefore receives 10 beasts.

³ This animal joins her husband's herd if he is alive.

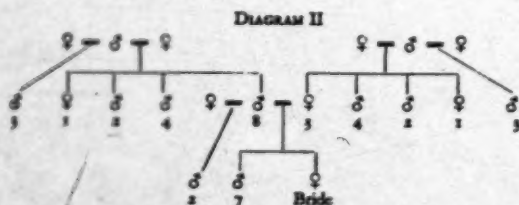
⁴ The last cow is sometimes a poor beast that has been refused by some kinsman but is taken in charity by the bride's brother to make up the total. The cattle of the brother also count as the cattle of the mother, so that her total portion is 10 beasts. As they all join the father's herd, if he is alive, his actual portion is 20 head of cattle.

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	Cattle	Total	
<i>Nar kwi gwam</i> or <i>kwi lusk</i> (mother's brother by a different mother)	A cow and its calf, and an ox	3	431
<i>Nar (intu) kwi mame</i> or <i>kwi dawai</i> (mother's younger brother by the same mother)	A cow and its calf	2	602
<i>Manlen</i> (mother's sister)	A heifer ¹	1	583.
	Total	20	

I do not guarantee that if one were to ask any Nuer from the eastern part of their territory how bridewealth is distributed in his country he would receive a list identical with the one I have given, for there might be shifts here and there of a cow or an ox, but the balance and proportions would be as I have recorded them. Among the western Nuer when a man speaks of 'the cattle on the paternal side' and 'the cattle on the maternal side' his description is more in accord with realities because he includes among 'the cattle on the paternal side' those beasts which go to the bride's mother and uterine brother, since the father gets them if he is alive. The western Nuer way of counting bridewealth is therefore less symmetrical than the eastern Nuer way of counting it. This difference is superficial, because in all parts of Nuerland the same relationships are a title to approximately the same number of cattle. The rights of members of the families of the father and mother of the bride are everywhere the same.

The persons who have, in virtue of one of these emphasized relationships, a right (*cuong*) to cattle are called the *j cuongni*, the people with a right. They say: *Manlen a cuong*, 'The maternal aunt has a right'; *Was a cuong*, 'The paternal aunt has a right', and so on. The cattle which the various relatives of the bride will receive in a perfect distribution, each according to his right, are indicated in diagram II:



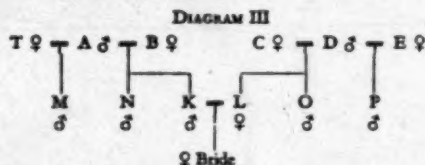
It must be added that the four grandparents of the bride are entitled each to a cow in certain circumstances, but they are not mentioned in the distribution given above because it is assumed that by the time their granddaughter is old enough to be married they will be dead. It is a rule that in the event of any claimant being dead his, or her, son inherits the right to cattle. Thus the cattle of a *guanlen* (father's brother) go to the *gast guanlen* (father's brother's sons), the cattle of a *war* (father's sister) go to the *gast war* (father's sister's sons), and so forth. But whereas cattle will be paid to the names of these kinsmen in any case, whether they be alive or dead, a grandparent only receives a cow if he, or she, saw the bride before he, or she, died.

¹ This animal joins her husband's herd if he is alive.

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It is probably for this reason that the cows given to grandparents or their sons are called *wangnen* (*wang*, eye, *nen*, to see). It is possible, therefore, for there to be four *wangnen* claims, but there are generally only one or two at the most. The *wangnen* of the father's father goes to one of his sons by a different mother to the father's mother. The *wangnen* of the father's mother goes to one of her sons other than the father. These are the *wangnen kwi gwane*, the cows of the grandparents on the paternal side. There may also be two *wangnen kwi mane*, cows of the grandparents on the maternal side, that of the mother's father going to one of his sons by a different mother to the bride's mother's mother, and that of the mother's mother going to one of her sons. Thus in diagram III A's cow goes to M, B's cow goes to N, C's cow goes to O, and D's cow goes to P. As will be explained later these cattle of the grandparents are not paid in addition to the 40 already listed.



SOME FEATURES OF THE DISTRIBUTION

Some features of this mode of distribution are worth attention. The cattle are divided among both paternal and maternal relatives of the bride and this bilateral distribution may be wrongly interpreted. It is by no means simply a recognition of the bride's cognatic kinship to certain of her kinsfolk but is also, and perhaps chiefly, an acknowledgement of obligation between siblings and towards affines. The payment to the bride's paternal uncles is less an expression of the relationship between a father's brother and his brother's daughter than of that between brother and brother. A man marries from the family herd in which his brothers have equal rights with himself, and his wife is, as the brothers say, 'Our wife' because she was married with 'Our cattle'. She acts in domestic duties as a wife to her husband's unmarried brothers as well as to her husband, although she cohabits with him alone, and her children are all 'Our children' since they are 'Children of our cattle'. All the brothers therefore have rights in the daughters of each. Brothers stubbornly insist on these rights, and it often happens that a girl's paternal uncle proves to be the most serious obstacle to bringing about her marriage, for he will not hesitate to veto it if he thinks he is not getting his fair share of the cattle. Every Nuer knows exactly where he stands in such matters, for even children know how bridewealth ought to be distributed and can at once tell roughly what cattle each kinsman will receive on the marriage of the daughter of one of them.

Likewise the transfers made to the bride's maternal uncles are less an expression of the relationship between a mother's brother and his sister's daughter than of that between a man and his wife's brother. Nuer stress that at marriage only part of what is due to the bride's family is handed over to them and say that the rest will be paid when their daughter has borne female children and these children are married. The extra-family kinsmen, the paternal and maternal uncles and

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aunts of the bride, receive their share of her bridewealth once and for all at her marriage, often at the expense of the intra-family kinsmen, her parents and brothers and sisters, who will, in compensation, receive in addition to what is paid to them at her marriage some ten head of cattle on the marriage of each of her daughters. It must not be forgotten that the maternal uncles and aunts of the bride are the brothers-in-law and the sisters-in-law of her father and that part of her bridewealth is paid to them as a deferred payment incurred at her mother's marriage. Hence Nuer, when counting the cattle to be paid on marriage, conclude by saying: 'And when the bride's daughters are married more cattle will be paid to their mother's brothers.' It should be noted also that the sibling relationship is acknowledged in the distribution of bridewealth on the maternal as on the paternal side. All the brothers have rights in their sister and in that part of the bridewealth of her daughters which is due to their family. Here again, even small boys know their rights as maternal uncles, or as future maternal uncles, and youths regard them as policies which will fall due in the future and enable them to marry wives themselves.

We must distinguish, in discussing the transmission of bridewealth among the Nuer, between the transfer of cattle by the bridegroom's people and its distribution among the kinsfolk of the bride. The bridegroom's people are only interested in this distribution in so far as it affects the total of cattle they will have to pay. They come to the lengthy negotiations which precede the wedding dance, prepared to pay a certain number of beasts, and so long as their estimate is not exceeded it is a matter of little interest to them what arrangements about their distribution the kinsmen of the bride make among themselves. The bride's father must make his own terms about the distribution (*wany*) with his brothers and sisters, and the bride's senior maternal uncle with his brothers and sisters. The necessity for them to come to some agreement among themselves will be evident later.

Another important feature of bridewealth distribution is the distinction made between sons of the mother (*gaat man*) and sons of the father (*gaat gwan*). This distinction is made not only between the full and half-brothers of the bride but also between the full and half-brothers of her father and mother. In the generation of her uncles the differentiation between full and half-brothers is usually indicated by stating whether they are uncles *kwi man*, on the mother's side, or *kwi gwan*, on the father's side; the terms *kwi dviel*, on the side of the hut, and *kwi luak*, on the side of the byre, being commonly employed as alternative indications.

When the father of the bride is alive the distinction between her full and half-brothers is only formally represented in the division of her bridewealth because the cattle given to any of her brothers join their father's herd and he uses them as is customary, which means that they are held as family stock from which each son marries in order of seniority, being given by his father for this purpose what cattle are available, without regard to the title by which they entered the herd. Thus one son may marry with cattle which were allotted to another son in the distribution of their sisters' bridewealth; so the fact that on the marriage of one of the sisters several cattle are allotted to the uterine brother does not mean that he can dispose of them as he pleases, and he would not, were his father alive, be able to reserve them for his own marriage exclusively. If the bride's half-brother is older than he the half-brother will use some of these cows to marry and no objection can be raised to his

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doing so. To object would, in Nuer eyes, be a grave breach of custom amounting to the breaking up of the family and home (*go*) and the severing of vital bonds of kinship. Even after the father is dead the herd ought to remain common stock, and all cattle accruing to him and his sons on the marriages of his daughters ought to join it for the benefit of all his sons alike, so that they may marry from it in order of seniority. But sentiment and custom are not always stronger than self-interest and ill will, and when they are weaker the family breaks up on the death of its head. This is especially the case in a polygamous family because the widows tend to return to their own kinsmen or to live as concubines with men unrelated to their dead husband, and their sons often go with them, for a time at any rate; whereas if there is only one wife, and she is alive, she will remain with the herd and her children with her. I do not wish to enter here into a detailed discussion of the relationship between brothers among the Nuer. It may be remarked, however, in conclusion that eventually the family, especially the composite or polygamous family, ceases to be a joint family with corporate interests in a common herd and splits into a number of property units, each brother having a family and herd of his own. The brothers then live in separate homesteads and sometimes in separate villages and the cattle they receive as paternal and maternal uncles therefore join different herds. Often some of the brothers are by this time dead and the cattle then go to their sons, whose ties with their paternal uncles are weaker than those uniting brothers. But though the relationship between brothers is not further discussed in this paper I must emphasize the intimate connexion between the half-brother relationship and the whole lineage system of the Nuer.¹

MODE OF RECKONING BRIDEWEALTH

In reckoning the cattle which have to be transferred, Nuer distinguish between those beasts which receive a precise linguistic indication and the remainder. Those terminologically differentiated are regarded as the minimum payment on which negotiations can start. So far I have given only the virtual distribution of bride-wealth, of what would accrue to each relationship were the full 40 cattle to be paid. The principles of distribution remain the same when, as happens in all actual marriages to-day, many fewer than 40 cattle are paid, and the distribution in any particular marriage can easily be understood in the light of them. These principles do not have to be unearthed by an analysis of actual marriages, but are formulated by the Nuer themselves, so that actual distributions of bride-wealth are made to conform to the ideal distribution so far as conditions allow.

In any particular marriage there is a minimum definition of rights. Whatever else the bride's family and kindred get they must get certain animals or the marriage cannot take place. Hence these basic claims take precedence and their titles are always the first to be acknowledged. The conventional order is as follows:

1. *wangon gwam*, the cows of the paternal grandparents.
wangon mam, the cows of the maternal grandparents.
2. *yang gwam kem doud*, *ke thakde*, the cow of the father with its calf, and his ox.
yang mam kem doud, the cow of the mother with its calf.

¹ See *The Nuer*, chap. v.

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3. *yang gwanlene kene doude, ke thakde*, the cow of the paternal uncle with its calf, and his ox.
yang nara kene doude, kene thakde, ke puangde, the cow of the maternal uncle with its calf,
 and his ox, and his *puang* (ox).
4. *dou (nar) wara*, the calf (heifer) of the paternal aunt.
dou (nar) manlene, the calf (heifer) of the maternal aunt.
5. *yang kwoth gwande*, the cow of the father's spirit.
yang kwoth mande, the cow of the mother's spirit.
6. *thak deman*, the ox of the uterine brother.
thak gat gwan, the ox of the paternal half-brother.

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It will be observed that these titles to cattle are in pairs of collateral relationships. If a person standing in any of the relationships is dead, his claim takes precedence over claims of the living, and for this reason they generally begin the tally with the *wangnen* cows of the grandparents. 'First the claims of the ghosts must be settled, then we can settle the claims of us who remain alive.' The meaning of *wangnen* has already been explained, but it must be added that in actual payment of bridewealth the fact that the kindred of the bride are able to claim one or more cows of this title does not mean that they receive more cattle on this account than they would otherwise have done. Circumstances, to be discussed later, fix the total payment within approximate limits known to both parties to the contract, so that all that happens is that a cow which would in any case go to one of the bride's uncles as part of his portion of the bridewealth is handed over to the name of a dead grandparent.

A few words may be said about the *yang kwoth*, cow of the spirit, which figures in most bridewealth transactions. This animal is paid in honour of the spirit of the father or of the mother of the bride. The spirits are of various kinds: totemic, air, medicine, and ghosts of persons slain by lightning. If the spirit is a totem and is associated with a special colour, the bride's parents will endeavour to obtain from the bridegroom's kin a cow of that colour, e.g. a tawny cow for the lion spirit and a brindled cow for the crocodile spirit. A cow so dedicated to a spirit must remain in the kraal of the parents and now and again they rub ashes along its back and pour milk over its tethering-peg and invoke the spirit. The spirits of the family are thus made cognizant of the marriage and are a party to the pact just as the ghosts are informed of what is taking place and are invoked as witnesses at the wedding ceremony. Spirits and ghosts are *jiungni*, claimants entitled to a share in the bridewealth, and were they to be denied their right the marriage would not be fruitful. When each parent has a different spirit both must be honoured by having a cow of the bride-cattle dedicated to it, though one spirit may receive a cow on the marriage of one daughter and the other on the marriage of her sister. Here again, this does not necessarily mean that the family of the bride get an extra cow, for generally one of the cows they would in any case have received is dedicated to a spirit and paid in its name. Sometimes, however, the bride's people do not put forward the claim of a spirit till the end of the marriage negotiations, when the bridegroom's people think that a settlement has been reached and have already offered as many cattle as they are prepared to give. It is more difficult for them to refuse an extra cow to a spirit than to a man. If they are wise they will get to know all about the spirits of the bride's family—there may be more than two—and anticipate the claim by keeping a cow in reserve to meet it.

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Generally these essential claims are settled at the first bridewealth discussions held in the byre of the bride's father. There, he and his brothers not only settle their own first, and basic, claims and the claims of the mother, the brothers, and the paternal aunts, but they satisfy themselves also that the bridegroom's kin are prepared to meet the demands of the maternal uncles and aunts. In normal circumstances the bridegroom's party then enter into direct negotiations with the maternal uncles of the bride and their claims must be met before those of the paternal relatives. They have a prior claim in that, as already explained, their portion is regarded to some extent as a deferred payment standing over from the marriage of the bride's mother. If there are not enough cattle to satisfy everyone at the time of the marriage the paternal relatives are usually prepared to allow the bridegroom to remain for some years in their debt, since the bride is a member of their family, but the maternal relatives are less interested in her than in the cattle and are less willing to forgo immediate satisfaction. The maternal kinsmen cannot make exorbitant demands because they have only a right to a conventional proportion of the bridewealth and the approximate number of cattle to be paid to them is therefore determined by the total number to be paid all round. When the maternal kinsmen live very far away the paternal kinsmen may act on their behalf in the negotiations. The bridegroom's people, in either case, themselves drive the *ghok nurr*, the cattle of the maternal uncles, to the home of the senior of them.

NUMBER OF CATTLE PAID TO-DAY

In marriages to-day the actual transfers and the distribution of cattle to definite persons, as distinct from the ideal, or virtual, allotment of fixed portions of the bridewealth to relationships, vary according to circumstances, the chief of which are the wealth in stock of the Nuer as a whole, the resources of the bridegroom's family and kin, the number of claimants, the configuration of the bride's family, and the relative desire of both parties to bring about the union.

There is good reason to suppose that till thirty to forty years ago cattle were so plentiful in Nuerland that bridewealth was paid at the ideal rate of 40 head. Of recent years the herds have diminished through rinderpest, and the traditional means of recuperation, raids on Dinka stock, has been checked by the presence of the Anglo-Egyptian government. Diminution has been fairly uniform throughout the whole of Nuerland and it would to-day in all parts be impossible for a man to raise as many as 40 head of cattle for marriage. The usual payment is from 20 to 30.¹ It has been mentioned that there is a minimal number of relationships with prior rights and the persons standing in these relationships, or representing those standing in them, must be guaranteed their portions to the number of cattle enumerated in the list presented above. Consequently, even if there are no *wangwen* and spirit claims the bridewealth cannot fall to less than 16 beasts. On the other hand, it cannot rise to more than the bridegroom and his people possess or are prepared to give, what they are prepared to give being mainly decided by what they possess. The

¹ Mr. Jackson, writing in 1923 (*Indian Notes and Records*, vol. vi, p. 154), gave 25 to 25 cattle as an average bridewealth and said that the tendency at that time was for even that number to diminish. He remarked that some ten or twelve years earlier the

payment of 40 was said to have been not unusual. Mr. Corist, writing somewhat later, said that the original bridewealth of the Gaur tribe was 30 head of cattle, but that it had dwindled to 15 or 20.

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bridewealth will therefore be somewhere between these two points. Now, the bride's family know fairly accurately what cattle are available and state their demands in the light of their knowledge, and the bridegroom's family know how many persons are likely to put forward claims and, also, how many cattle they can muster, and they make their offer accordingly.

It is evident from the lengthy discussions that continue for hours at a time, and sometimes for days on end, that there is no absolutely fixed payment. What happens is that the basic claims are first settled in a preliminary manner, for there can be little argument about these, since the marriage cannot be contemplated if they are not accepted; and further demands are then debated. The main concern of the bridegroom's party is to conduct the negotiations in such a way that they will not have promised up to the estimate they have allowed for before an adequate number of cattle have been allotted to all the persons who are beyond question entitled to them. They are not interested in the precise manner of distribution among the bride's family and kindred so long as the plan of allotment is not used as a means to make further, and excessive, demands. They have to be careful, for example, not to use up their resources in trying to satisfy the requirements of the maternal relatives or of the family before due allowance has been made for the rights of the paternal uncles, for if they do this the paternal uncles will stake a claim when they have no beasts in reserve to meet it and the marriage in consequence will fall through. They usually aim at settling all the outside claims before tackling the full family claims, in the settlement of which they may expect some forbearance. The family are as anxious as the bridegroom's people to settle the outside claims, for they are really claims on the bride's father rather than on the bridegroom, and until they are met he cannot reap any benefit himself from the marriage. To facilitate their settlement the family are generally prepared to forgo some of their own rights and the expectation of full immediate payment.

The discussions are in terms of particular cattle. The bridegroom's people offer certain animals and these animals are known to the bride's people. The spokesman for the bridegroom says, for example: 'We have a brindled cow and its calf in such-and-such a kraal'; and the spokesman for the family replies: 'Yes, that will be the cow of the mother and its calf'; 'We have a white heifer in such-and-such a kraal'; 'Yes, that will be the heifer of the father's sister.' The bridegroom's maternal uncle says that he will give a white cow with a black head and rump and its calf, and a white-faced ox, and the people of the byre decide that the cow and its calf will be the cow of the father and its calf, and the ox will be the ox of the uterine brother. To follow these negotiations it must be remembered that they have been preceded by lengthy private discussions by each party among themselves. The bridegroom's party have arranged among themselves the particular animals each is willing to contribute, what they intend to offer the bride's people, what claims are likely to be put forward, and how they can be met. The bride's party have discussed what animals the other side possess, what they are likely to offer, and what they themselves want. The haggling at the final meetings between the two parties is on the surface and concerns only marginal beasts which the bride's party hope to obtain above what the bridegroom's party wish to give. It is not really greed but part of the traditional procedure of marriage. Both sides are expected to behave in this way in marriage negotiations.

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When a youth wants to marry, the first question his sweetheart's father asks him, or whoever is acting on his behalf, is: 'What cattle have you got?' although he generally knows the answer before asking it. Unless the youth can be sure of producing some downy beasts at once it is useless to enter into further negotiations for marriage and some excuse will be found for rejecting his proposal. This does not mean that a father is solely interested in obtaining the highest possible number of cattle for the hand of his daughter. He will be content if he gets the usual number, and if he considers the young man to be a desirable husband and son-in-law he may be content with less, or, at any rate, to defer transfer of part of the cattle due to the family. Sometimes even the uncles are prepared to wait a few years for some of the cattle. When the marriage is greatly desired by both sides the ceremonies may be completed before the final bridewealth discussions have been held. As long as the girl's family receive a good number of the cattle before she has passed through the final ceremonies and can expect that the remainder will eventually be paid they will not press for settlement. Nuer can be very generous in this matter, and if a son-in-law is respectful and industrious they will not break the union because he takes a long time to transfer the final cows, for marriage is not simply handing over a girl in exchange for cattle but is the creation of a series of new social relationships which, once formed, are not easily or lightly severed, especially when the union is completed by the birth of a child.

Sometimes the final cows are never transferred. If the husband has cattle and his wife's brothers want to marry they may raid his herd and take the beasts owing to them. But debts of this kind are subject to a rule of limitations. If the cattle have not all been transferred before the eldest son of the marriage is initiated into manhood the debt lapses. Therefore a maternal uncle may try to obtain the remainder of his sister's bridewealth before her eldest son is initiated. An illustrative case occurred in western Nuerland in 1936. An initiated lad, who had been working for me, brought back three cows to add to the family herd in his father's kraal and his maternal uncle seized one of them on the grounds that his mother's bridewealth had not been fully paid. The elders of the village counselled its return, saying that the calves would die, and their advice was taken. The opinion expressed on this occasion was that when a son is initiated he becomes part-owner of the family herd and that a maternal uncle cannot take cattle from the herd of his sister's son in payment for his sister's marriage. Also, if cattle are owing, claimants cannot take them from the bridewealth of a daughter of the union, that is to say, from cattle allotted to the bride's family. They get their due portions from the daughter's marriage but 'The cattle of a mother and the cattle of her daughter may not meet'. It is thought that the daughter would be barren were this to happen.

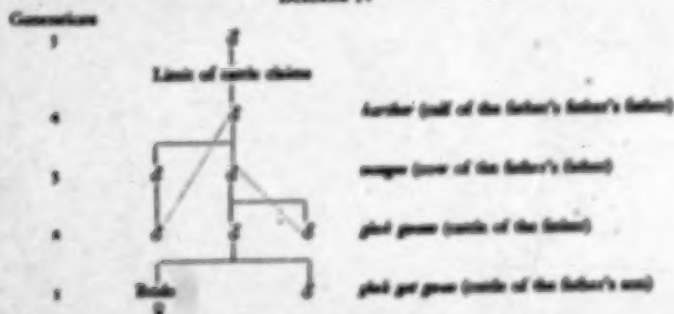
Distribution, as distinct from the total transfer, is also affected by the number of persons who demand cattle. There may be several persons standing to the bride in any given relationship. If, for example, there is only one paternal aunt she gets her cow on the marriage of each of her brothers' daughters. If, on the other hand, there are several paternal aunts they take it in turn to receive the cows due to that relationship. Difficulties are sometimes settled between two claimants of like relationship to the bride by one of them taking a cow and the other its first calf. Sometimes they take it in turn to receive their due and, at the same time, admit the rights of the others.

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to a calf each. In this way each claimant may ultimately receive part of the bride-wealth on each occasion of its distribution. On the other hand, there may be no person in the relationship entitled to cattle. In this case, as already explained, the direct linear heir is entitled to the beasts; but a collateral kinsman may not inherit. Nevertheless, paternal kinsmen genealogically farther removed from the bride than those indicated by specific kinship terms (relationships with a fixed title to bride-wealth) may claim some small gift, such as a sheep, goat, or spear, in their own right from the bridegroom's people. Though these casual claims count as part of the bride-wealth in that their return can be asked for in the event of divorce, their settlement is regarded more as a courtesy than as an obligation. A borderline case between bride-cattle properly speaking and such small gifts to distant kinsmen is that of the calf, called *Awir* among the western Nuor, which may be claimed by a collateral kinsman who is a patrilineal descendant of the bride's father's father's father. This payment is sometimes made, as sign that the patrilineal limit of bride-wealth claims has been reached and that no demands will be accepted from collateral kinsmen tracing their common descent with the bride from an ancestor yet farther removed.

Diagram IV



However, any cognatic kinsman up to six or seven generations removed from a common ancestor with the bride may assert his kinship by asking a small gift and it will not be refused. This privilege is not widely exercised. The agnatic kinsman of a collateral lineage who invokes the cattle at the wedding, the *gaw* *bachai*, is always given a calf, sheep, or goat, known as the *yung* *achai*, the 'cow' of the spear (with which he made the invocation).

As said above, actual distribution of bride-wealth among persons depends also on the configuration of the bride's family. On this point it need only be said that distribution at the marriage of a daughter born of a simple legal union is the pattern for distribution at marriages of daughters born of other kinds of union. We need only note further that when the *gaw* of the bride is a different person from her *gaw*, as is often the case among the Nuor, and is also not merely a kinship substitute for him, the *gaw* has a right to a cow, called *yung* *achai*, the cow of the bride, and that this takes precedence over all other claims. If he has also brought up the bride his right is more extensive.

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BRIDEWEALTH AMONG THE NUER

E. E. EVANS-PRITCHARD

114 In some recent articles I have described the Nuer custom of paying cattle at marriage, their marriage ceremonies, and their rules of exogamy.¹ Having recorded the chief facts relevant to a study of Nuer marriage it is permissible to make some general comments on the part played in the union by payment of bridewealth.²

432 It is no longer necessary to show that the African payment of bridewealth is not a purchase. Until

[Hx] very recent years the Nuer had no currency and nothing corresponding to what we mean by 'price' and 'purchase'. The word *lek*, now used to denote the act of purchasing something from an Arab merchant with money had a religious and sacrificial meaning. It cannot be used to refer to transference of bridewealth. I have heard the word *lek* used in this connection, but only with circumspection or in anger, for it is disrespectful to use it about marriage. It denotes a simple exchange of goods, as when a man who is leaving his neighbourhood exchanges his byre for a bull calf or when a man exchanges an ox with certain markings for one with his favourite distribution of colours. The word is only used correctly in

[567] reference to conjugal relations when a female Dinka captive is, as I was told occasionally used to happen, exchanged for a few cows. It is then said of her that "she was not married (*leem*) with cattle but exchanged (*lek*) for cattle"

• 583 The word *leem* means the whole procedure
431 by which a man and his kin obtain a wife by payment of cattle and her family and kin hand her over to bear children to them, and in other ways serve them, in return for these cattle. The

¹ "Nuer Bridewealth", *Africa*, 1946; "Nuer Marriage Ceremonies", *ibid.*, 1947; "Nuer Rules of Exogamy and Incest", *Social Structure* (in press soon).

² Some of the points made were discussed in a very general way in my paper "Social Character of Bride-wealth with special reference to the Hamar", *ibid.*, 1934, (74).

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man marries the woman and not the woman the man: one can say "Duob has married Nyshuk" or "Nyshuk has been married by Duob", but one cannot say that Nyshuk has married Duob. It is understood that the woman was *huen* *he ghok*, married with cattle, for she would have been married in no other way. The persons among whom the cattle are distributed are also said to *huen* them (the *gumden jong huen doudo huen*, the paternal uncle will receive a cow and a calf) and they are said to be *huen* by the cattle (*has dewan huen a thak*, the uterine brother will be paid an ox). There is no noun in Nuer by which the cattle handed over at marriage can be described, though one can use the expression *ghok huen ayal*, the cattle of marrying a girl.

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But to say that bridewealth is not price or purchase does not mean that the objects handed over have no significance to Nuer outside the particular purpose they serve in bringing about a union. Cattle have, as I have shown in my book on the Nuer,^{*} many uses. They are one of the main sources of food and they supply many other domestic requirements, they have a prestige value, and they have a religious importance. The payment or receipt of bridewealth changes a man's fortune in a very material way. The bridegroom's family are often impoverished, sometimes to the point of privation, though their kinsmen and affines will help them if they reach this point; while in the bride's home the milk gourds and butter gourds are full. A man who receives only one cow of the bridewealth has in it the promise of a herd.

It is for this reason that Nuer found it difficult to understand what I meant when I told them that in my society we marry without paying bridewealth: "It does not matter. After all, every country has its own customs. But is it right that the father and mother of your wife should go

^{*} *The Nuer*, 1940, Chap. I.

[P. 181 b]

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empty-handed when you marry, or is it better that they should be full, that the father should be full and the mother should be full?" Of the neighbouring Anuak people, who marry with beads and spears, they say: "Of what use are these things? Can people live on them?" In making their demands on the bridegroom's people the bride's people try to obtain above all lactating cows and their calves or pregnant heifers so that they may enjoy immediate benefit from the transaction. A *piw* cow, one which gives little milk, will not, however, be rejected so long as it bears calves.

Nevertheless Nuer show greater interest in the bridewealth character of cattle than in their nutritive character. It is not so much that having great nutritive value they acquire through it a general social value, become a standard of value, and are therefore employed in ritual, for indemnification of injury, and as the means of acquiring a mate. It is rather that their use as bridewealth gives them their supreme value in Nuer eyes. Cattle stand for a wife and are therefore the most important thing in a Nuer's life because a wife means to him his own home and that he becomes a copula in the lineage by fathering a son. Nuer do not grudge the loss of a herd to obtain a wife. They lose cattle, but the wife will bear them daughters at whose marriages the cattle will return, and sons who will herd them.

[586] It is therefore a commonsense inference that payment of bridewealth has a stabilising action in marriage. If the wife leaves her husband the cattle will have to be returned and as it would be always unpleasant, and often difficult, to return them it is supposed that the wife's family will use their influence to make her remain with her husband. There is some truth in this supposition, for Nuer know only too well the confusion, and consequent resentment, that may result from the dissolution of a marriage: "But with us Nuer, if a wife leaves her husband what will his kinsmen do? For they have given some of the cattle to her paternal uncles, some to her maternal uncles, some to her paternal aunt, and some to her maternal aunt. A wife should be obedient to her husband, for she has been married with cattle."

[p. 182a]

• 583 One of the earliest British officers in Nuerland wrote
431 that "the system of marriage among the Nuer is
the cause of nearly all their quarrels and troubles".¹
Everyone concerned with the marriage stands to
lose by its dissolution and they will try to prevent
divorce.

586 Nevertheless, it can only be accepted that
431 payment of bridewealth stabilizes marriage to a
very limited degree. That this is so can best be
understood by considering the question in relation
to what happens at divorce.

The marriage tie is severed (*dek*) by the return
of the bridewealth because either the wife has died
childless or her husband's people give up their
rights in her. In either case, if there are no children,
all the cattle have to be returned (except the *yong*
niende and the *yong yoni*, the cow (ox) of the
hair and the cow of the skirt² unless they have
died a natural death in the homestead of the
recipients. If the wife dies after bearing a single
living child the usual procedure is for the extra-
family kinsmen to return their portions of the
bridewealth and for the family of the wife to
retain their portions, the child remaining with
his father. In this case one cannot speak of divorce.
The wife and mother has become a ghost. If the
wife leaves her husband after the birth of their
first-born his kin may decide to claim the return
of their bridewealth except for six head of cattle
which the husband leaves with his wife's people
to retain his rights in the child (*ruck*). These
six beasts, including the two of the hair and the
skirt, are kept by the family of the wife. The
extra-family kinsmen lose their portions of the
bridewealth. The wife by this procedure is
divorced and can remarry. On the other hand they
may leave all their cattle with the wife's family

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¹ Richard H. Gordon, *Sudan Intelligence Reports*,
June, 1911, No. 187.

² According to my own information these two animals
are retained by the bride's parents should the marriage
be broken up after the consummation ceremony and
are regarded in some part as payment for loss of the
bride's ranchland at the consummation and in some
part as compensation for the expenses of the nuptial
ceremonies. Mr. Jackson (*Sudan Notes and Records*,
vol. VI, 1923, p. 151) says that they are left with the
parents only if the husband is responsible for the
dissolution of the marriage. Mr. F. P. Howell tells me
that he is of the same opinion as Mr. Jackson.

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431 a child. At this stage, therefore, there is no great difficulty about returning the cattle, which are, indeed, kept ready at hand to be returned. Also, it must be remembered that the husband is unlikely to have paid all the bridewealth before a child is born.

I cannot give statistics, but on the basis of my observations and of my discussions with Nuer on the subject I would say that when marriage has been brought about through the normal discussions, payments, and ceremonies, divorce after the wife has brought her first child to her husband's home and has lived with him for a year or two is very unusual. Should it take place the wife's family, who alone can bring much pressure to bear on her, do not, with regard to the reduced payments of bridewealth of the present day, stand to lose much, for they will retain six head of cattle. It is the extra-family kinsmen, who have less influence over the wife, who lose all their cattle.

I have never known, or heard of a case of divorce, or even of separation, after the birth of a second child. My own observations are very limited but they are supported by the opinion of Nuer that when man and wife have lived together for several years and have children the wife will not leave her husband's home while he is alive. After the birth of his second child a husband ceases to keep track of the progeny of his cattle.

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431 It should be noted that it may happen today that all the cattle in the herd of the wife's father die of rinderpest shortly after the consummation of the marriage. It is then not incumbent on the husband to replace them, or for his father-in-law to return others in their stead if the wife dies or leaves her husband. The wife's people need only replace them if they have transferred them to third parties (lost) or butchered them. To protect himself against possible claims in the future the father of a newly married daughter will often send to her husband's people the hides of any beasts which have died a natural death in his herd. The father-in-law could not in these circumstances break off the marriage and remarry his daughter to another man for the cattle, though dead, are still "on the wife's back". When I

586 asked what would happen were he to try to do so
 583 I was told that the husband's kin would claim
 431 back their cattle and, if necessary, use force to
 [587] obtain them. Should a wife leave her husband
 in these circumstances the problem of bride-
 wealth would probably be solved by the common
 Nuer expedient of letting her live as a concubine.

I think it is evident, in view of the facts stated
 583 above, that the fear of having to repay bride-
 431 wealth cannot be said to be a very powerful
 591 sanction of the marriage union. Nor is there
 593 any evidence of which I am aware that would
 suggest that the greater the number of cattle handed
 over the more stable the marriage is likely to
 prove. On the contrary the poverty of a suitor
 may be to his advantage since the parents of the
 girl whom he seeks in marriage can insist, and
 often do so, that he comes to live in their village,
 where they will receive constant aid from him
 in hoeing, fishing, building, and herding, and the
 opportunity to their lineage of both the son-in-law
 who comes in course of time to identify his interests
 with those of his in-laws, and of his children,
 who would otherwise, with their daughters, be
 lost to them. A reputation for hard work, courage,
 and an amiable character go a long way towards
 making up for poverty of stock, especially if the
 father of the girl and the father of the youth are
 friends or the youth and the girl's brother are
 comrades.

581 I am prepared to say definitely that the stability
 593 of Nuer marriage rests on quite other foundations
 than payments of bride-wealth. It is founded on
 affection between the spouses, mutual goodwill
 between the families of husband and wife, and
 moral and legal norms. Nuer girls are not easily
 coerced into marriage and it is generally safe
 to assume that when a woman lives with her hus-
 band it is because she chooses to do so and is
 happy in her marriage. By the time a girl is fully
 married to a man she knows him well. Usually
 he has courted her some time before asking
 for her hand and she must give her consent
 before his request is granted. She has plenty of
 time between the betrothal ceremony and the
 ceremony of consummation in which to withdraw
 from the marriage should she be reluctant to

593 and is the public acknowledgement of his right to correct her should she neglect them. The husband has, of course, also rights in any children his wife may bear, but the children are not only his. They are the children of his lineage. All the men of his lineage are grandfathers, fathers, and brothers to his sons.

• 583 Marriage is, structurally-speaking, the taking
431 away of a woman of one lineage to bear children to a different and unrelated lineage. For the loss to their daughter the lineage receives cattle which enable them to obtain a wife for themselves from a third lineage.¹ In course of time the wives of these marriages bear daughters and when they are married the cattle received for them enter the kraals of the lineage to replace those which left them on the marriages of their mothers. In practice the total operation is not as simple as I have stated it because the cattle do not all go to one lineage but are partly distributed between the kinsmen of the bride's father and mother, but this is corrected by the fact that what the fathers and paternal uncles do not receive on the marriage of their daughter comes to them through other marriages in which they stand to the bride as maternal uncles or sons of paternal or maternal aunts or grandmothers. Hence it is that the Nuer often speak of the lineage marrying a wife with its cattle or giving their daughter in marriage to another lineage for cattle. They say, for example, that "Ciong Puol have married a wife" or that "Ciong Dumin have given their daughter in marriage".

To understand the functions of bride-wealth in Nuer society it is therefore necessary to view its payment in a wider social setting than is provided by any particular marriage. It is necessary to see it, as the Nuer themselves do, as a series of transactions and to perceive furthermore in an exchange of cattle for a wife an exchange

¹ Cattle which have left a lineage on its taking a wife from another lineage may come back to it if the second lineage afterwards takes a wife from the first. This is unusual, but I have known a man marry his father's brother's daughter's husband's brother's daughter and another marry his paternal half-brother's daughter's husband's sister. Some slight adjustments may be made in the division of the bride-wealth of the second marriage to prevent certain imbalances. However, a brother and a sister should not marry respectively a sister and her brother.

- 583 of a daughter for a wife. Payment of bridewealth
- 431 is a particular, and very striking, example of the
- 682 principle of equivalence. A parallel example is
- 431 the payment of cattle in compensation for homici-
- 583 cide,² which among the Nuer is 40 head of cattle,
- the same number as is paid for a bride. These
- bloodwealth cattle are divided among the kinsmen
- of the dead man on the same plan of distribution
- as that obtaining in the distribution of 'bride-
- wealth, though about half are reserved for mar-
- rying a wife to the name of the dead man to bear
- him a son. Just as in bridewealth the principle
- is the replacement of a daughter by a wife, of a
- woman by a woman, so in bloodwealth the principle
- is the replacement of a son by a wife who will
- bear a son in his place, of a man by a man. It is
- worthy of note that the rate of bloodwealth has
- fallen in recent times to about the same level as
- the rate of bridewealth.³ Nuer are aware of the
- equivalence of bridewealth and bloodwealth,
- for I have heard them complain that the govern-
- ment was attempting to fix bloodwealth without
- fixing bridewealth at the same rate, whereas what
- the one is the other should be.

583 To see the Nuer custom of bridewealth in its
 431 structural perspective we must therefore think in
 611 terms of lineages. Children are attached by pay-
 ment of bridewealth to the lineage of their father,
 the attachment of the sons being of chief import-
 ance, though daughters may also be structurally
 significant in the lineage system. Children born in
 the union of marriage are "children of the cattle"
 and therefore of the man in whose name they were
 paid and they become joints in his branch of
 descent. The man in whose name the cattle were
 paid is always their *pater*, the sociological or lineage
 father, of the children, whether he is their *genitor*
 or not. If he dies, or is already dead before his
 marriage, the widow should be taken by one of
 her husbands and the fathers of his sons, that is to
 say by one of his brothers (or sons). But even

² This point is very clearly made by Prof. A. R. Radcliffe-Brown in *Man*, 1929 (96).

³ Approximately 10 beens are divided among the extra-family kinsmen and the rest, including the beens due to the family of the dead man, are with contributions of cattle from his paternal and maternal kinsmen used to marry him a wife.

587 But even

• 583 should a woman whose husband has died decline
431 to cohabit with one of his paternal kin and prefer
611 to live as a concubine with some man unrelated
to her dead husband any children she may bear
are his children. Every child must have a *pater* or,
which is saying the same thing among the Nuer,
belong to a lineage, and if an unmarried woman
has a child it is either paternalized by subsequent
payment of bridewealth or by payment of a
paternalization fee. If the *genitor*, which is
unlikely, refuses to pay either bridewealth or
fee, the man who later marries her with cattle
becomes the *pater*. If she is not married then a man
who takes her as a concubine pays the fee and
becomes the *pater*.

[p. 188 a]

- 583 The distribution of bridewealth is a different
431 process to the payment itself and, since it belongs
121 more to an account of kinship in general, is not
discussed here. The mode of distribution and
some comments on it are contained in my paper
on "Nuer Bridewealth". In this paper I wish
only to draw attention to two features of bride-
wealth which seem to me to be very important:
its role in creating new social ties of a personal
kind and of regulating the interrelations of the per-
sons concerned till such time as their relationships
become assimilated to kinship patterns—broadly-
speaking its role in the kinship system—and its
structural role in inter-lineage relations.

[p. 1886]

CHAPTER III

MARRIAGE AND DIVORCE

PART I

MARRIAGE AND MARRIAGE LAWS

1. INTRODUCTION

The Functions of Bridewealth

THE majority of legal disputes which are brought before a Nuer court concern marriage relationships, matters arising out of marriage, claims to a share in bridewealth cattle or a return of bridewealth cattle if the marriage is dissolved. Cattle provide a legal symbol which runs through the whole structure of kinship and marital relationships. A thorough understanding of marriage, the bridewealth system, and rights in cattle raised by kinship is essential to a study of customary law administered in the courts. 69/ 583 • [231]

The test of legality in all Nuer marriages is found in the transference of bridewealth cattle from the bridegroom and his kinship group on the one hand, to the legal parent or guardian of the bride and his kinship group on the other. The main functions of bridewealth are as follows: 583

(i) It supplies a material symbol which legalizes the union of man and woman and establishes the legitimacy of the children of the union and their lawful inheritance.

(ii) It gives emphasis and legality to the conventions and patterns of behaviour and the reciprocal obligations which are raised between the kinship groups concerned and must be observed if the union is to be successful.

(iii) It gives stability to the union, particularly in the initial stages when it has not been confirmed and fortified by the birth of children who will subsequently form a link between the lineages concerned.

(iv) To some extent it stands as security for the good behaviour of the wife in her new home and for the observance of her marital duties towards her husband and his kin. It will be in the interests of her kinsmen to encourage her in this matter because her husband can demand his cattle back and dissolve the union. In this they may sustain no loss since the woman can be married again, but it will certainly cause them inconvenience, especially if the bridewealth

583 has been passed on in other marriages. It is also in the interests of the husband to protect and care for his wife, for if harm should befall her through ill-treatment or carelessness on his part, he may lose his wife and find difficulty in getting his cattle back.

(v) It serves as legal indemnity for the loss of the woman's services to her own family and kin, particularly her economic and domestic services, and since, in an exogamous patrilineal society, she cannot bear children to her kinsmen, bridewealth provides them with the means to marry and raise children to their own name. The social equilibrium is thus maintained, the patrilineal identity of the lineage preserved, and its continuity in posterity assured.

(vi) It invokes the interest of ancestral spirits and their blessing, and by doing so fulfils a duty towards them. This is really a religious expression of the principles described in (v) above, but some of the bridewealth cattle are actually set aside and dedicated to the spirits of the lineage.

422 It is important to remember that cattle are held collectively by the
583 family or kinship group in the sense that their disposal is governed by conventions operative within that group. Kinship relationships govern the limitation of rights in cattle. The collection of bridewealth and its transference are not simple transactions between the prospective husband and the father or legal guardian of the bride. Certain persons standing in special relationships to the bridegroom within the kinship structure, and some of them maternal relatives, are expected to assist him in collecting the required number of cattle. Persons standing in special relationships to the bride are entitled to their shares in the distribution of the cattle when received, and these rights have been raised because they are the persons who co-operated in the collection and giving of bridewealth cattle in previous marriages, particularly the marriage of the bride's mother. This principle runs through the conventional form of reciprocal obligations and rights which are found in the kinship structure.¹

583 Bridewealth is not, therefore, a payment in the sense that the bride is purchased from her family, though clearly the cattle are not regarded as merely tokens in the marriage system. They have economic value of extreme importance to the Nuer, since milk and meat products are

¹ It should be mentioned at once, though the subject is examined more fully later in connection with divorce laws, that this does not mean that there is not a measure of individual ownership of cattle. Allocation of cattle is governed by definite rules of inheritance, posthumous rights, and present obligations. A Nuer possesses his cattle as an exclusive right in relation to persons of another kinship group, but the cattle he receives as member of his own kinship group are not his exclusive property; their allocation is not possible without a degree of permission from his kinsmen. This is one of the reasons why Nuer do not on the whole sell their cattle. In contrast, cattle received from other sources, by purchase for example, are his exclusive property even in relation to his kinsmen, though if used for marriage they are, as it were, put into the pool and lose this quality in the future.

FORMS OF MARRIAGE

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part of their basic dit. In an article on the subject of bridewealth, Professor Evans-Pritchard says: 573^o

Until very recent years the Nuer had no currency and nothing corresponding to what we mean by 'price' and 'purchase'. The word *lek*, now used to denote the act of purchasing something from an Arab merchant with money, had a religious and sacrificial meaning. It cannot be used to refer to transference of bridewealth. I have heard the word *il* used in this connection, but only with circumspection or in anger, for it is disrespectful to use it about marriage. It denotes a simple exchange of goods, as when a man who is leaving his neighbourhood exchanges his byre for a bull-calf or when a man exchanges an ox with certain markings for one with its favourite distribution of colours.¹

The word *kwes* is commonly used to denote marriage, and refers in a general way to the whole procedure of marriage, but more particularly to the distribution of the bridewealth cattle. The word *kwes* is also used to denote the 'counting' or 'division' of money nowadays, but in this connection it does not have any meaning of payment or purchase. A man will *kwes* or count his own money, *es yoke kwes*, or he will count a sum of money out, giving each person his portion. He will also use the word in reference to the counting of cattle: to count them as they return from grazing. The use of the word *kwes*, which implies nothing in the nature of purchase, seems to me significant.

2. DIFFERENT FORMS OF MARRIAGE

Among the Nuer there are different forms of domestic union, of which some have a legal basis and some have not.² The key to the legality of such union lies in the transference of cattle in relation to the persons concerned: to whom and by whom. An understanding of the legal principles involved is essential to a study of Nuer Law.

Simple Legal Marriage

The normal legal union which approximates to our own form of marriage consists of the marriage of a man with a girl by the payment of bridewealth and by the completion of the social and ritual processes described later in this chapter. This form of union has been termed by Professor Evans-Pritchard 'Simple Legal Marriage'. The children of such a marriage are usually both legally and biologically the children of the husband, and they trace their descent to his name, since Nuer marriage is patrilineal in basis.³

¹ Evans-Pritchard, 'Bridewealth among the Nuer', *African Studies*, 1947.

² See also Evans-Pritchard, 'Some Aspects of Marriage and the Family among the Nuer', *Anthropological Society of London Proceedings*, 1938. Reprinted in *Rhodes-Livingstone Papers*, No. 11, 1945. The terminology employed in this section is taken from the above article, and I have little to add to his observations.

³ Nuer call themselves by the name of their father and he by the name of his father, and so on up the line. But the son of Gai calls himself *Dah Gai*; Gai the son of Pan calls himself *Gai Pan*. To be extremely exact when there is possibility of confusion, Gai will be referred to as *Dah Gai Pan*.

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rights of the husband in his wife. It would be relevant, for example, if a woman committed a wrong. If she killed someone, the payment of compensation would be a liability on her husband if she was legally his wife, but if there was insufficient legal determination in the union, the responsibility would rest with her own kinsmen. Similarly if a man lies with a woman who is not his wife, he may be charged with adultery (*dhu cish*) and compensation will be claimed, but he might with justification plead that she is not a married woman in the legal sense, and therefore the act is not adultery. In the event of his proving that the union is not a legal one, he has no liability to the husband, but this will not entirely absolve him from responsibility, for in certain circumstances her kinsmen may claim damages on the grounds of seduction of an unmarried girl. There are, of course, many circumstances which will be considered by the court, circumstances which are discussed later under the heading of wrongs in relation to women. In such cases the legality or otherwise of the marriage is in issue, and it is sometimes difficult to find out what constitutes legality. In most tribes it seems that the ceremony which is considered to legalize the union is the *suot*, but this, as will be seen later, is not a universal law among the Nuer.

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5. THE DISTRIBUTION OF BRIDEWEALTH

When a man wishes to get married his relatives will usually assist him to collect the necessary cattle in addition to those already allotted to him in his father's herd. There are no set rules governing the actual assembly of bridewealth cattle, and in any case the circumstances are too varied to warrant generalization on the subject. Brothers should marry in strict order of age, and the majority of the cattle they use for the purpose will be drawn from their father's herd. The legal father of a family is responsible for the distribution among his sons of those cattle which have come to him as his rights in the bridewealth cattle of his sisters, daughters, and other female relatives. If he is dead, his legal representative will be his brother, usually the senior paternal uncle of his sons, or his eldest son. The assembly of marriage cattle is, however, partly dependent on the rules of distribution applied to previous marriages in the bridegroom's family. In the application of these rules we shall see that there is a tendency to alternate because no family is exactly symmetrical. There is usually more than one claimant to one particular portion and none to another. In the first instance the junior claimant will have to await his turn until the next marriage in the family; in the second, the portion will be inherited by the claimant's heirs. In some cases these will be his own sons, in others, his brother's sons. There are conventions which govern the inheritance of rights in such cattle. The portion allotted to the mother

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- 583 (the *ghok mande*), for example, should go to her own sons; that allotted to the father (the *ghok gwande*) should go to his sons by another wife; the grandfather's portion (the *wangnen gwande*) should go to his sons by a wife other than the bride's father's mother, i.e. to the paternal half-brothers of the bride and so on. These rules are applied according to the circumstances within the bridegroom's family.¹ Some of the cattle which he transfers to the family of his bride will have been acquired in this manner. Others may have come to him from kinsmen or friends as gifts, others in settlement of debts unconnected with marriage. Nowadays he may have acquired cattle by purchase with cash which he has earned. In the past he might have seized cattle in raids on the Dinka.

The Ideal

While the collection of the bridewealth cattle by an individual for his own marriage depends on a wide variety of circumstances, the distribution of that bridewealth among the family and kinsmen of the bride is governed by rules which can be stated as an ideal. In an article on the subject, Professor Evans-Pritchard says:

Bridewealth should consist of 40 head of cattle. Among the Eastern Nuer 20 are said to go *hui guon*, to the father's side, and 20 *hui man*, to the mother's side, of the bride. Equal division between the bride's paternal kinsmen (including her father) and her maternal kinsmen (including her mother) is thus the first rule of distribution. Of the 20 beasts which go to the father's side, 10 remain with the father (or his sons) and 10 are divided among his family (his parents, brothers, and sisters); and of the 20 beasts which go to the mother's side, 10 remain with the mother (or her sons) and 10 are divided among her family (her parents and brothers and sisters). The second rule, therefore, is that the cattle are distributed in fixed proportions between three families: the bride's own family, her father's family, and her mother's family.²

In this version, the mother's portion is included on the mother's side (*hui man*), whereas in reality the cattle transferred in her name are inherited by her sons, and therefore go to the father's side (*hui guon*). Professor Evans-Pritchard draws attention to this difference between theory and fact. This is a matter of some importance when we come to consider the proportions paid to each side, and will be discussed later. It may be noted in passing that the Zeraf tribes and (as noted by Professor Evans-Pritchard) the Western Nuer tribes often refer to the maternal side as *hui nare*, lit. 'maternal uncle's side', rather than *hui man*. This is certainly a more accurate description.

In the course of my own investigations on the subject I never heard forty head of cattle consistently given as the ideal bridewealth, nor the exact proportions quoted. This may be because I never put the question in the right form, or because the Thiang and Lak have for a long time been poorer in cattle than most tribes of the Eastern Nuer.

¹ See under *Inheritance*, Chapter V. Section 3, pp. 190-4.

² 'Nuer Bridewealth' (1937) *NIL* 2, 194-5, p. 147.

DISTRIBUTION OF BRIDEWEALTH

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I have not often heard a specific number given as the ideal, only a list of recognized relations of the bride to whom certain cattle must be paid. My informants were perhaps talking in terms of a minimum. Certainly forty head of cattle is usually given as the traditional rate of compensation for homicide and, as we have seen, bridewealth and bloodwealth should in theory be equal since the object of the payment of bloodwealth (*thung*) is to provide a wife to the name of the dead man.¹ Marriages are nowadays completed by payment of as little as 17 to 20 head of cattle and sometimes even less, though the average in well-to-do families is usually nearer 30. Professor Evans-Pritchard says that the usual payment is from 20 to 30. This is a reasonably accurate estimate of bridewealth today, but it must be remembered that bridewealth varies not only from tribe to tribe but also within the tribe from year to year. A particularly heavy epidemic may carry off as much as 30 per cent. of the cattle population, and bridewealth must drop accordingly.

Low Nuer Version

I quote the ideal distribution, based on the payment of forty head of cattle, given by Professor Evans-Pritchard in full, before examining, by way of comparison, versions cited among other Nuer tribes.²

	Cattle	Total
KWI OWAN (on the paternal side)	A cow and its calf, a cow and its calf, an ox, another ox, a cow, and a calf*	8
Giam (father)	A cow and another cow**	2
Gat Giam (father's son)	A cow and its calf, a calf, and an ox	4
Gumden (mother) has none or has died (father's elder brother by the same mother)	A cow and its calf, and an ox	3
Gumden has none or has died (father's brother by a different mother)	A cow, and an ox	2
Gumden (mother) has none or has died (father's younger brother by the same mother)	A heifer***	1
Wai (father's sister)		
	Total	20

* The single calf is sometimes called *jang* (de), and they say: 'It is like a gift thrown in for nothing.' The single cow is sometimes called *jang* *hach*, the cow of the type, and is given to annul the claims on the paternal side. One of the cows is usually the *jang* *hach*, the cow of the spirit of the father.

** These animals join the herd of the deceased's father, if he is alive, and count as his portion also. The father therefore receives 10 head.

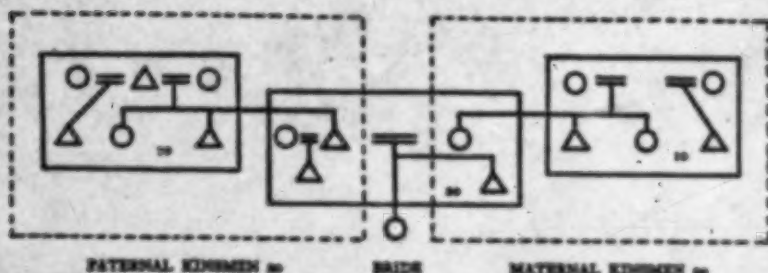
*** This animal joins her husband's herd if he is alive.

¹ Nuer say and think that this should be so, but as already stated they are not too careful about the mathematics of the transaction. In point of fact a substantial proportion are distributed among the kinsmen of the deceased, so that much less than forty are left to marry the 'ghost-wife'. See pp. 20, 21.

² Evans-Pritchard in 'Nuer Bridewealth', *Africa*, XVI, 4, 1946, and in *Kinship and Marriage among the Nuer*, Oxford, 1951.

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	Cattle	Total
KWI MAN (on the maternal side):		
Mam (mother)	A cow and its calf, and a heifer	3
Deman (brother by the same mother)	An ox, another ox, a cow (yang deman), another cow (yang cika), a cow and its calf, and another cow*	7
Nar (india) kwi mam or kwi daniel (mother's elder brother by the same mother)	A cow and its calf, another cow, and an ox	4
Nar kwi gwane or kwi luk (mother's brother by a different mother)	A cow and its calf, and an ox	3
Nar (intat) kwi mam or kwi daniel (mother's younger brother by the same mother)	A cow and its calf	2
Madan (mother's sister)	A heifer**	1
Total		20

* The last cow is sometimes a poor beast that has been refused by some kinsmen but is taken in charity by the bride's brother to make up the total. The cattle of the brother also count as the cattle of the mother, so that her total portion is 10 beasts. As they all join the father's herd, if he is alive, his actual portion is 20 head of cattle.

** This animal joins her husband's herd if he is alive.

Zeraf Nuer Versions

The principles which underlie the distribution of bridewealth cattle as described by Professor Evans-Pritchard apply to all Nuer tribes, and it would be impossible to improve on his account. There are, however, differences of detail which are worth recording here. My own observations on the Lak and Thiang Nuer of the Zeraf Valley and, to a lesser extent, the Gaswar, were made before the results of Professor Evans-Pritchard's investigations had been published. This work was carried out between 1942 and 1945. Subsequently, in 1949, I had several opportunities of testing out his and my own observations among the Western Nuer tribes.

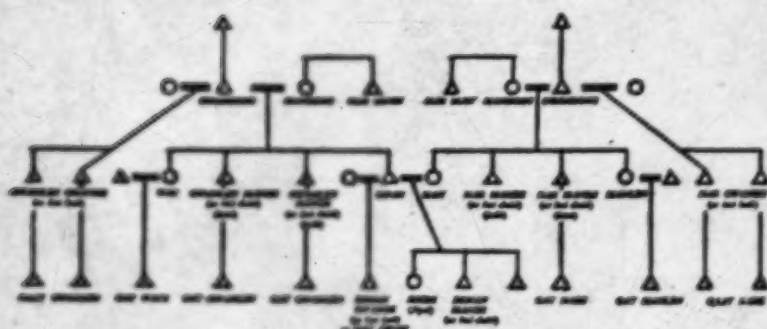
Kinship Terminology

Before making comparisons, it will be as well to give some account of Nuer kinship terminology, especially as the terminology employed

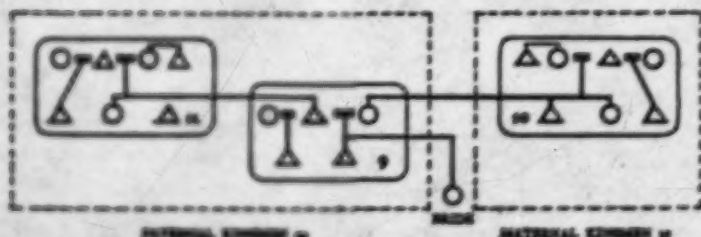
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NUER KINSHIP TERMS



Zeraf Valley Version (Lah and Thiang)



Relationship to bride	Cattle	Total
<i>gwi gwai</i> (on the paternal side)		
<i>Guun</i> (father) ¹	young goats, a cow and its calf. young heath, a cow dedicated to his ancestral spirit. black goat, an ox (These should go to his sons, often to half-brothers of the bride. The ox is usually considered the right of the eldest half-brother.)	4
<i>Duun</i> (brother by the same mother)	black down, an ox (The bridegroom is usually expected to place his future brother-in-law by finding an ox of the latter's favourite colour.)	1
<i>Duun laa laa</i> (brother by a different mother)	black down, an ox (This is not always demanded, and is often merely included under the father's portion. See above.)	1

¹ A man will often have paid four head of cattle at his betrothal (see p. 22 n. 2), so the father's portion is sometimes 5 (as in the Eastern Nuer version), but I think that the previous 4 head usually count as the total allotment to the father nowadays. This may account for the discrepancy.

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Relationship to bride	Cattle	Total
<i>Gwasden munde</i> (father's brother by same mother)	A cow and its calf. An ox. A cow-calf, sometimes called <i>paung</i> . (Nuer refer to this relationship as <i>gwasden munde</i> or, in full, <i>gwasden hui munde</i> , i.e. the father's uterine brother. The calf called <i>paung</i> is sometimes said to be the special right of the youngest uterine brother.)	4
<i>Gwasden gwasde</i> (father's brother by a different mother)	A cow and its calf and (sometimes) an ox. (Nuer refer to this relationship as <i>gwasden hui lauk</i> , but more often <i>gwasden gwasde</i> .)	3
<i>War</i> (father's sister)	<i>yang wance</i> , a cow (This cow goes to the woman's husband and his sons, and is therefore transferred outside the father's lineage.)	1
<i>Gwasding</i> (father's father)	<i>yang wangwen gwasde</i> , a cow or heifer (This cow should go to the father's youngest brother and often the youngest half-brother. Among the Zeraf tribes it is usually included whether the father's father is living or not, and even if he died before the bride was born.)	1
<i>Mandeng</i> (father's mother)	<i>yang wangwen munde</i> , a cow or heifer (This cow should go to a younger uterine brother of the bride's father.)	1
<i>Nar gwas</i> (<i>nyul</i>) (father's maternal uncle)	Sometimes called <i>hukhar</i> , a cow-calf (This should go to the sons of the father's maternal uncle and hence outside the father's lineage.)	1
<i>Mund</i> (mother)	<i>yang man nyul</i> , a cow and its calf. (This should go to the bride's eldest uterine brother.) <i>yang laukh</i> , a cow (Dedicated to the mother's ancestral spirits and usually later inherited by one of her younger sons.)	3
Total		20

gwas nyul (on the maternal side often referred to as *hui nyul*, maternal uncle's side)

<i>Nar munde</i> (mother's brother by the same mother)	<i>gwas nyul</i> or <i>gwas nar munde</i> , a cow and cow-calf. An ox. A cow-calf (<i>paung</i>). (The cow-calf called <i>paung</i> is said to be the right of the youngest uterine brother of the bride's mother.)	4
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3 The Zeraf tribes include the mother's portion and that of the bride's uterine brother under the paternal side. This is also so in Western Nuer, as Professor Evans-Pritchard observes. This point is discussed later.

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Relationship to bride		Cattle	Total
<i>Nar guande</i> (mother's brother by a different mother)	<i>yang nar hai laak</i> or <i>nar guande</i> , a cow and in calf		2
<i>Manden</i> (mother's sister).	<i>yang manden</i> , a cow-calf (This goes to her sons and therefore outside the maternal lineage.)		1
<i>Gwandang</i> (mother's father)	<i>yang wangwan guande</i> , a pregnant cow (This should go to one of his younger sons, e.g. half-brother of the maternal uncle above.)		1
<i>Mandang</i> (mother's mother)	<i>yang wangwan mande</i> , a pregnant cow (This should go to one of her younger sons, e.g. a uterine brother of the maternal uncle above.)		1
<i>Nar man</i> (<i>nyal</i>) (mother's maternal uncle)	Sometimes called <i>Akhar</i> , a cow-calf (This goes to his sons and therefore outside the maternal lineage. ²)		1
Total			5

Apart from the disparity in numbers of cattle, there are obvious differences in this version from the ideal given by Professor Evans-Pritchard:

(i) Among the Zeraf tribes, the cattle of the grandparents, called *wangwan*, are nearly always included, and usually at least some of them are paid whatever the circumstances. On this subject Professor Evans-Pritchard says:

It must be added that the four grandparents of the bride are entitled each to a cow in certain circumstances, but they are not mentioned in the distribution given above because it is assumed that by the time their granddaughters is old enough to be married they will be dead. It is a rule that in the event of any claimant being dead his, or her, son inherits the right to cattle.

... a grandparent only receives a cow if he, or she, saw the bride before he, or she, died. It is probably for this reason that the cows given to the grandparents or their sons are called *wangwan* (*wang*, eye, see, to see). It is possible, therefore, for there to be four *wangwan* claims, but there are generally one or two at the most.³

(ii) Professor Evans-Pritchard's version includes:

Gwandang intet (father's younger brother by the same mother).

Nar intet (mother's younger brother by the same mother).

² There is not only a definite division between the bride's paternal relatives on the one hand and her maternal relatives on the other, but also a distinction between the bride's immediate relatives, e.g. her father and his sons (both uterine and half-brothers of the bride) and the more remote relatives on either side who in this context are classed as *ji wangwan*, 'the people who have rights'. The cattle by which they are entitled are known as *ghak wangwan nar*. Those of the bride's father and his sons are referred to as *ghak dink*, 'the cows of begetting'.

³ *Op. cit.* (in Africa, 1945), p. 149.

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Now, it is just these relatives of the bride who inherit in the first instance the *wangsen munde* on the father's side, and in the second, the *wangsen munde* on the mother's side. It may therefore be that they are exactly equivalent, and if, for example, a cow is paid as *wangsen munde* on the father's side, a cow for the *gwanden* *datet* is not to be expected. Similarly the *wangsen gwande* (grandfather's cattle on both sides) by right descend to the bride's father's younger half-brother (i.e. *gwanden hui hui* or *gwande*) on the one side and to the bride's mother's younger half-brother (i.e. *nar hui hui* or *nar gwande*) on the other. These relatives are sometimes included, sometimes not. It seems that Nuer often treat these portions as alternatives, and this may explain the fact that not all of them are always included. It must be emphasized here that Nuer find considerable difficulty in quoting the claims of various relatives in a hypothetical marriage. This difficulty does not arise in an actual marriage because all the relatives who claim some portion as a right (*ruong*) are known personalities. Such negotiations over bridewealth are carried out with unusual decorum, and although feelings run high there is generally a spirit of compromise. Talking of these things Nuer sometimes say '*vanak lake had de dat*', 'you must put your stick in the grass for your wife's family'. The word *vanak* is a polite way of speaking about relatives-in-law, and the expression implies that a man must put his anger aside if his wife's family are unreasonable in their demands.

(iii) Professor Evans-Pritchard's version does not include the *hether* portions which go to the *nar gum ayul* (the bride's father's maternal uncle) and the *nar man ayul* (the bride's mother's maternal uncle). These portions are nearly always quoted by Zeraf Nuer tribes and, as will be seen later, by Western Nuer. They are often but not always paid. This point is important because these relatives are outside the lineages of both the bride's father and bride's mother, so that when those cattle which go to the bride's paternal and maternal aunts and their sons are included, in all six different lineages are involved in one marriage,¹ as will be seen in the diagram on page 126.

¹ Of the *hether* (or *hether*) portions, Professor Evans-Pritchard writes:

'A peculiar case between bride-wealth properly speaking and such small gifts to distant kinsmen is that of the *hether*, called *hether* among the western Nuer, which may be defined by a collateral kinsman who is a partitioned descendant of the bride's father's father. This payment is sometimes made, as sign that the partitioned line of bride-wealth claims has been reached and that no demands will be accepted from collateral kinsmen tracing their common descent with the bride from an ancestor yet further removed' (op. cit. p. 127).

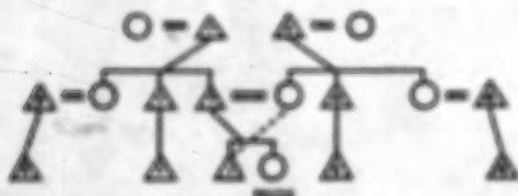
I do not think that the expression *hether* is used except in the circumstances I have already described, i.e. of a special portion which goes to the maternal uncle of the bride's father on the one side and the maternal uncle of the bride's mother on the other side. Some Nuer tribes, notably the Duk, Mwang and Chupper, who have a close historical connexion, sometimes say that a cow-calf called *dag* should be paid to the bride's father's father's father and less commonly the mother's father's father's father. I think that this is a claim which is nowadays rarely made, and therefore rarely included in a list of bride-wealth claims, though it may have been customary in the past.

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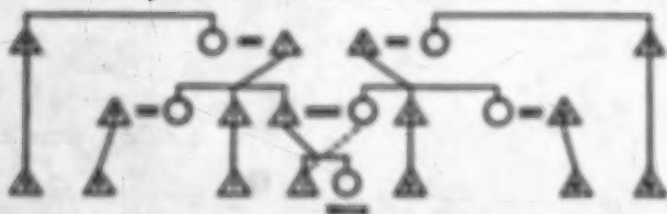
LINEAGES INVOLVED IN BRIDEWEALTH DISTRIBUTION

Low Nuer (as quoted by Professor Evans-Pritchard)



- Lineage 1 = Bride's father and agnate kinsmen.
- Lineage 2 = Bride's mother's father and agnate kinsmen.
- Lineage 3 = Bride's paternal aunt's husband and agnate kinsmen.
- Lineage 4 = Bride's maternal aunt's husband and agnate kinsmen.

Zande and Western Nuer Versions



- Lineage 1 = Bride's father and agnate kinsmen.
- Lineage 2 = Bride's mother's father and agnate kinsmen.
- Lineage 3 = Bride's paternal aunt's husband and agnate kinsmen.
- Lineage 4 = Bride's maternal aunt's husband and agnate kinsmen.
- Lineage 5 = Bride's father's maternal uncle and agnate kinsmen.
- Lineage 6 = Bride's mother's maternal uncle and agnate kinsmen.

Minimum Claims

The difference in numbers of cattle is perhaps accounted for by the fact that Professor Evans-Pritchard is quoting an ideal from Low Nuer, while the Zande version given here is not an ideal, but is closer to reality and nearer to what is considered the minimum although not actually the minimum. On this subject, Professor Evans-Pritchard says:

In any particular marriage there is a minimum definition of rights. Whenever the bride's family and husband get they must get certain animals as the marriage cannot take place. Hence these basic claims take precedence and their claims are always the first to be acknowledged. The conventional order is as follows:

- a. ewes, goats, the cows of the paternal grandparents 2
- a. ewes, goats, the cows of the maternal grandparents 2
- a. young goats, two donkeys, two chickens, the cow of the father with its calf, and his ox 2

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<i>yung maw haw dudu</i> , the cow of the mother with its calf	2
2. <i>yung gwawaw haw dudu</i> , <i>hw thakdi</i> , the cow of the paternal uncle with its calf and his ox	3
<i>yung maw haw dudu</i> , <i>haw thakdi</i> , <i>hw gwawdi</i> , the cow of the maternal uncle with its calf, and his ox, and his <i>yung</i> (ox)	4
4. <i>diu</i> (cow) <i>maw</i> , the calf (heifer) of the paternal aunt	1
<i>diu</i> (cow) <i>mawaw</i> , the calf (heifer) of the maternal aunt	1
5. <i>yung hawth gwawdi</i> , the cow of the father's spirit	1
<i>yung hawth mawdi</i> , the cow of the mother's spirit	1
6. <i>thak dawan</i> , the ox of the uterine brother	1
<i>thak gat gwaw</i> , the cow of the paternal half-brother ¹	1
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This, with the exception of the *thak gat gwaw* (which in the Zeraf is included in the father's portion) and the *yung nar gwaw* and *yung nar maw*, approximates very closely to the Zeraf version.² It is noticeable, however, that the cattle of the grandparents, the *wawaw*, are included in the minimum, while they are omitted in the ideal. The cattle of the paternal and maternal uncles, the *gwawaw* and the *nar*, are correspondingly reduced in numbers, and since, as we have seen, it is these relations who would inherit the *wawaw* cattle, this is perhaps not surprising.

Western Nuer Versions

In Western Nuer there appears to be considerable variation of detail and, as will be seen later, of proportions, but no difference of principle. The Jikany system approximates very closely to that of Thing and Lak, with the following variations:

(a), *homsima*, *wa*, *wa*, *yung hawth*, *wa*, *wa*, in the father's portion instead of one.

(b) As in Lak, the *wawaw* cattle are never paid unless the grandparent concerned was alive at the time of the bride's birth. This is, however, balanced by a proportionately higher claim by the bride's paternal and maternal uncles, who are normally considered the heirs to the *wawaw* cattle.

(c) The *hawth* cattle—for the father's maternal uncle (*nar gwaw nyal*) and the mother's maternal uncle (*nar maw nyal*)—are considered essential payments, but it is unusual for a bridegroom to pay more than one. Jikany say that these payments should alternate with the marriages of the daughters of the house: to the *nar gwaw nyal* on the first marriage, to the *nar maw nyal* on the second, and so on.³

¹ *op. cit.*, pp. 154-5.

² Also the *yung nar gwaw* and *yung nar maw* are often omitted in actual marriages unless the mother is virtually the sister.

³ *Nar maw nyal*, *hw*. This is sometimes referred to as *nar mawdi*, which could also be interpreted as 'maternal uncle'—uterine brother of the bride's mother—and *nar gwawdi* as 'maternal uncle'—half-brother of the bride's mother. It is really the tone and emphasis which distinguish these relationships.

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(d) Every brother of the bride may expect an ox, but only one need be given to the half-brothers.

Among the Bul Nuer, who on the whole are inclined to marry with larger numbers of cattle than most Nuer tribes, there are no essential differences except that there appears to be a more exact definition of claims in the paternal and maternal uncles' portions, and in this their system resembles the Lou Nuer ideal.

Gumalew munde (father's brothers by the same mother)	eldest, a cow and cow-calf.
	second or middle, a cow-calf and bull.
	youngest is reckoned to get the <i>maungwe munde</i> , or if not paid, will get a bull.
Gumalew gumale (father's brothers by a different mother)	eldest, a cow and cow-calf.
	second, a cow-calf.
	youngest is reckoned to get the <i>maungwe gumale</i> , or if not paid, a bull-calf.

This approximates more closely to the system recorded by Professor Evans-Pritchard.

Similar proportions are paid to the maternal uncles of the bride on the mother's side (*hwi sare*) and again the youngest maternal uncles, the bride's mother's youngest uterine and youngest half-brother can claim the *maungwe munde* and *maungwe gumale* respectively. These distinctions, with variation in numbers, apply also to the Leik.

Among the Dok, the system approximates very closely to the Lak and Thiang Nuer systems, but it is worth while noting here that the Dok Nuer were often confused and inconsistent in quoting the ideal, more so perhaps than most Nuer.

I do not think that the variations to be found in the systems quoted reveal any fundamental difference of principle. The key to the problem of distribution lies in the rules of inheritance which are applied during the negotiations or will apply in the future, rather than in the actual relationship to the bride in the name of which cattle are transferred or the portions and number of cattle quoted. Throughout the system there is the principle of alternation and in addition conventional indications, though they are too loosely applied in practice to be more than indications, as to who should receive the cattle.¹ Thus, for example, the cattle classified as those of the bride's mother (*ghok munde*) should go to her sons, i.e. uterine brothers of the bride, while those of the bride's father (*ghok gumale*) should go to his sons by another wife, i.e. half-brothers of the bride. Similarly, a generation higher up the scale, as we have already seen, the paternal grandmother's portion (*maungwe munde*) goes to her own sons (*gumalew munde* of the bride) and that of the paternal grandfather (*maungwe gumale*) to his sons by another wife, i.e. half-brothers of the bride's father (*gumalew gumale* of the bride).

¹ This subject is discussed later under 'Inheritance'; see Chapter V, Section 2.

BRIDEWEALTH DISTRIBUTION

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These are conventional rules which essentially apply within each lineage, but do not apply with any exactitude in practice because not all the relatives concerned exist or, if they do, have already received portions on the marriage of another daughter or will do so in the future. The rules are therefore sufficiently elastic to meet almost any situation within a family group yet sufficiently clear to avoid undesirable friction and confusion.

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601*Proportions*

In the version current among the Lou Nuer and recorded by Professor Evans-Pritchard, the cattle of the mother (*ghok mame*) and also of her son (*ghok deman*), who is uterine brother of the bride, are included on the maternal side, the *hai* man. He points out, however, that—

Among the western Nuer when a man speaks of 'the cattle on the paternal side' and 'the cattle on the maternal side' his description is more in accord with reality because he includes among 'the cattle on the paternal side' those beasts which go to the bride's mother and uterine brother, since the father gets them if he is alive. The western Nuer way of counting bridewealth is therefore less symmetrical than the eastern Nuer way of counting it. This difference is superficial, because in all parts of Nuerland the same relationships are a title to approximately the same number of cattle. The rights of members of the families of the father and mother of the bride are everywhere the same.

It is perhaps significant that in Western Nuer the claims of the maternal relatives are classified under the heading of *hai* *ware*, 'the maternal uncle's side', which excludes the mother's portion (the *ghok mame*). In Lou Nuer it appears to be a social fiction that the cattle should be divided equally between the paternal and maternal kin of the bride in the ratio of 20:20, for in fact the division is 30:20.

On this subject, Professor Evans-Pritchard says:

I do not guarantee that if one were to ask any Nuer from the eastern part of their territory how bridewealth is distributed in his country he would receive a list identical with the one I have given, for there might be shifts here and there of a cow or an ox, but the balance and proportions would be as I have rounded them.¹

There are in fact many ways in which these proportions may be regarded. First there is the proportion in theory (when the mother's and uterine brothers' cattle are included on the maternal side) and in fact (when they are not) between the paternal and maternal sides. In the Lou Nuer ideal as recorded by Professor Evans-Pritchard these proportions are 20:20 in the first method of assessment and 30:20 in the second: ratios of 1:1 and 3:1 respectively. Among the Lak and Thiang Nuer, and also the Jikany and Duk, they are 16:14 and 20:20; among the Bal Nuer they are 17:17 and

¹ Evans-Pritchard, *op. cit.*, p. 109.

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23:11; among the Loh they are 16:15 and 22:9. Among these last-named people the ratios are therefore approximately 1:1 and 2:1. These more nearly approximate to the proportions found in the minimum quoted by Professor Evans-Pritchard, and allowing for minor inconsistencies and for the fact that the Nuer do not think of these things in terms of exact figures,¹ the balance and proportions are approximately the same throughout Nuerland.

Secondly, there is the proportion of cattle which go to the immediate family of the bride, the *ghak dach*, and those which go to the more remote relatives, the *ghak chagwi rar*. In the Low Nuer ideal version the ratio is 20:20 and 8:14 in the minimum version. Elsewhere they are: Lak and Thiong, 9:21, Jikany and Dok, 10:20, Dol, 12:22, and Loh, 10:21. The ratio throughout is therefore approximately 1:2. Analysis of actual marriages (though not necessarily the examples quoted below, where in some instances all payments have not been completed) shows very approximately similar proportions. If, therefore, there has been a reduction in the number of cattle payable as bridewealth, at any rate a reduction from the ideal, it has not been in the portion of the more remote kinsmen but in that of the bride's immediate family. A decrease in the cattle population in relation to human population has not at any rate led to a diminution of the network of claims which marriage involves. Marriage has not become a more individual affair in which only the bridegroom and the bride's father are concerned but has retained its collective nature.

Other Payments

Professor Evans-Pritchard points out that 'any cognatic kinsman up to six or seven generations removed from a common ancestor with the bride may assert his kinship by asking a small gift and it will not be refused'.² This is true of all Nuer tribes. There are also certain categories of persons who may claim special gifts which among the Zeraf tribes are known collectively as *shanyipay*:

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vie A spear dedicated to the central pole of the bride's father's cattle-tyre. This is usually a symbolic offering to the ancestral spirits of the lineage and is often given to the *paan loolol* of the bride's family.

vaach vie A bull-calf or a cow or at least a spear³ given to an agnate of the bride's father, often a man who has undergone the ceremony of initiation with him.

¹ A pregnant cow is sometimes assessed at two head of cattle, sometimes one, for example.

² Among the Loh, for example, a spear called *ding*, considered the right of the bride's paternal great-grandfather, is usually paid and will be given to one of his male descendants, but to a different line from that of the bride's father.

³ Sometimes a cow. This is usually a purely reciprocal transaction. An agnate 'ag-ai'.

PAYMENTS CONNECTED WITH CHILDREN 111

- wey ghat* . . . A goat or a fish-spear sometimes given to the cattle expert for his services in performing ritual to ensure the fertility of the bride. In some tribes the Leopard-skin Chief is asked to attend the ceremony and receive a goat or a spear for his services. These are, however, really only fees for specialist assistance and are in no sense part of the marriage payments, even though the bridegroom will be expected to produce them.
- yong maki* . . . A cow for the bride's father's 'best friend' (*maki*). This is very often paid.
- yong hant* . . . A cow or calf claimed (though not often received) by the bride's father in recognition of his energy in providing for her in times of famine (*hant*).
- yong gwei* . . . A cow dedicated to the bride's father's 'ancestors'.

There is an infinite variety of such gifts and payments among different Nuor tribes. They are regarded as obligatory on the bridegroom, but such obligations are not necessarily honoured, nor upheld in the courts. They remain a matter of obligatory custom rather than enforceable law.

*Claims for Buying and Fostering Children outside
Legal Union*

A man who is physiological but not legal father of a female child may claim a cow from her bridewealth when in due course she gets married. The cow is known as *yong lei*, the 'cow of the home'. This term is not considered polite, and it is more usual to refer to *yong diak*, the 'cow of birth' or, where the child is born in the more respectable union of 'widow concubinage', *yong lake*, the 'cow of widowhood'. Sometimes it is called *yong tsau*, literally, the 'cow of the skin', referring to the animal cat-skin worn in the presence of relatives-in-law and hence politely and euphemistically avoiding emphasis on the illegal nature of the union. *Yong lei* is given to the *gwei* in 'ghost-marriage' and in levirate union, though it is here often the case that he can claim other portions of his natural daughter's bridewealth by reason of his kinship relationship to her legal but deceased father. This is rarely so in 'widow-concubinage', for here the father is either unrelated to the *pater*, or so remotely related that no legal claim in the kinship system exists. In addition, a man may also claim *yong piak*, the 'cow of growing', which, however, refers not so much to physical parenthood as to upbringing. It is a definite and quite separate fee payable for the care and attention lavished on a child during its early years. It may be claimed by a man who is neither *pater* nor *gwei* but simply 'father-father', though the majority of such demands arise in the more stable relationship of 'widow-concubinage'.

- 583 These fees, which are sometimes taken from the father's (*pater's*) portion of the bridewealth and sometimes demanded from the girl's husband as an extra payment, may even be claimed by an adulterer on the marriage of his natural daughter, for the Nuer recognize physiological ties even if they run counter to legal relationships. There is something of a mystical bond between father and child whatever the circumstances of birth, and Nuer believe that the natural father has power to curse his daughter with perpetual barrenness if his claims are thwarted. For this reason both the girl's kinsmen and those of her husband are usually anxious to placate him. In adultery, when a child is born of the act, the indemnity (*rak rak cik*) is reduced from six head of cattle to one cow. This is the *yung hok*, the 'cow of the sleeping mat', which has a ritual and expiatory purpose only. The principle of reciprocity and of legal claims raised by the transfer of cattle is so strong that even cattle paid specifically as indemnification sometimes lead to a confusion of legal rights in the future. We shall consider this matter more fully later, but it may be noted here that such claims are something quite separate from the *yung lio* which refers precisely to physiological parenthood and *yung pako* which refers to the fostering of children and the expense of their upbringing. When a child is born to an unmarried, and usually young, girl her seducer would rarely dare to claim such fees. Had an child been born, he might be expected to pay an indemnity of two head of cattle (*rak allo apak*), though in the past he was more likely to meet the violent retaliation of her brothers. If a child is born, the girl's kinsmen may legitimately claim a similar indemnity (*rak rak apak*). Usually they will not press these demands, again to avoid legal confusion in the future, and if this has been the case, the father of a girl-child will scarcely ever have the courage to make claims on her bridewealth at a later date.

Nevertheless, such claims are socially recognized and often upheld in Nuer courts, and hence become legal. They are often paid without question, even in cases of adultery, because after eighteen years or more have passed between birth and marriage, recollection of the initial wrong has long since vanished. In many cases the *pater* and the *pater* or his heirs are the best of friends. In other cases, however, such claims may be the subject of the most acrimonious disputes and litigation.

These observations apply to female children born out of legal marriage only. A man may expect, obviously enough, no benefits from his natural sons. On the contrary, he may expect certain liabilities, for it is considered that a man should help his sons, even though they have no legal claim upon his cattle. In many cases the *pater* will be dead by the time his natural son comes of age, and the claims of the latter on the former's heirs are often a source of friction and complication.

REVERSE PAYMENTS

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It is not possible to enumerate here all the various circumstances which establish legal rights to such shares in bridewealth. Without the use of endless examples, generalizations are risky, but the principles described above are usually accepted by a Nuer court and enforced as legal. *Yang lets* is sometimes, but rarely, claimed by the physiological father long before the marriage of his natural daughter; but he thereby forgoes all claim to a larger portion of her bridewealth, especially among those tribes—Western Nuer in particular—where the major portion of the *pater's* share, three cattle in all, is sometimes given as *yang lets* when the *pater* is dead and the *gesser* has had a specially content and stable relationship with his daughter's kinsmen. This usually happens only in 'ghost-marriage', leviratic union, or 'widow-concubinage', and rarely outside such permanent unions.

Reverse Payments

Among the majority of Dinka tribes west of the Nile payment of bridewealth by the bridegroom to the bride's family is followed by a reciprocal payment by the bride's family to the bridegroom, which is known as *aweth*. The number of cattle varies and may be as much as one-third of the total bridewealth paid. This practice is unknown to the Nuer, though the same concept is to be found in the payment of *dhik* among the Jagai, Duk and Aak tribes. On final confirmation of the marriage two cows are paid to the bridegroom's family, one from the *hai gwande* and one from the *hai munde*. These are reckoned to be the right of the bride's future sons.¹ The payment is accompanied by ritual which symbolizes the removal of the taboo on the two families eating and drinking together and the necessity of wearing a cat-skin in the presence of relatives-in-law. A cow is sometimes paid to the bridegroom on the marriage of his wife's younger sister, but this is not common nor a formal custom as among some Dinka tribes, where as much as five head of cattle (*aweth*) are paid.² These payments do not seem to be current elsewhere in Nuerland. I have sometimes heard Nuer say that they used to be paid and on a larger scale in the old days when 'people married with many cattle', but I am inclined to believe that this is not a Nuer custom. The Duk, Jagai, and Aak are in close contact with Dinka tribes, among whom *aweth* is an essential part of the marital system. At the same time, the Bul and, to a lesser extent, the Leik are also in touch with these Dinka, but do not practise the custom or its equivalent, though the idea is known to them.

¹ Some Western Nuer tribes say that a cow—*yang jagai*, 'the cow of the spirit'—should be given to the husband by the wife's father on the birth of the first child.

² I have described this in a recent article on 'The Ngok Dinka of Western Kordofan', *S.N.R.*, 1952.

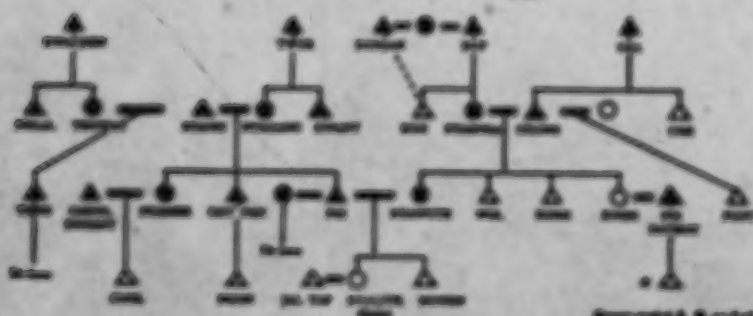
Examples of Actual Marriages

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When following the principles described above in actual examples of Nuer marriages, it must be remembered that not all the relatives of the bride to whom a portion of the bridewealth should go necessarily exist in fact. In such circumstances, the Nuer would say that the portions should be inherited by their legal heirs. Sometimes a claim is honoured, sometimes not. At the same time it is unlikely that a marriage would be refused, dissolved, or declared illegal if one or more portions included in the 'minimum' of claims were omitted. The procedure is clear. The bride's family will put in their demand for any portion which is considered a definite right; the bridegroom's representatives will name a cow. The bride's representatives will say that this will go as the *yung munda* or the *yung Aweth munda*, naming a definite portion as the case may be. If in the final assessment the bridegroom has not met or cannot meet all the recognized claims, they will ultimately judge the matter in terms of the over-all number of cattle which he is able to pay. It is usual for representatives of each claim to attend the negotiations in person. Hence there are not only arguments between the bridegroom's representatives and the bride's family, which are on the whole restrained, but arguments between the various members of the bride's family themselves. These discussions are usually more heated.

The examples which follow are not intended as evidence of the principles already described, but rather to show how these principles

*Marriage of Jai Top to Nyalik, daughter of Poi Nyak.
(Jagai Nuer; Recorded in 1945)*



are applied in practice.⁵ It will be found that the distribution is made to approximate as far as possible to the ideal. The relationships are

⁵ It would be difficult to find a marriage in which there was a perfect configuration of both lineages and in which all claims had been met. These examples are chosen as random.

EXAMPLES OF DISTRIBUTION

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shown in a chart above the distribution of the bridewealth. Each claim is recorded under the actual relationship term employed (in relation to the bride) and the name of the person who actually received the cow or cattle is given. In many cases the person will be not the actual claimant to a title, but his heir. If the principles are applied, the reasons will be obvious, but where the circumstances are exceptional they are recorded in the text.

BRIDEWEALTH DISTRIBUTION

NWI GWAN

Gwan. A cow-calf } To nywen.
A bull } (as heir to Pa).

Dawan. A bull: To nywen.

Wan. A bull: To cun.

Gwandang. A cow: To nywen } Wang-

Manding. A cow: To nywen } son.

Man. A cow and a cow (young heifer):
To nywen.

NWI NAR (or NAR)

Nar (mand). A bull: To wol.

Mandin. A bull: To a.

Wangwan { gwandang. A cow: To nywen.
manding. A cow: To nywen.

This marriage took place in 1948, only a few months before it was recorded. Full bridewealth has not yet been paid. Jel stated he would complete the payments when he had collected cattle from the marriage of his sister. The most ceremony had been performed, but no stock cattle had been paid to Jel by Nywen. In Nywen's presence, Jel stated he would pay: a cow as young heifer for the mother's portion, and also a bull-calf; two cows as paternal uncle's portions (gwandang); on the maternal side—a cow as father (mother's maternal uncle's portion). This in fact would go to Kog, Jel's, but not physiological son of Dap. It should be noted that other than Nywen (bride's brother) and Niam (bride's father's brother's son; *pat gwandang* mand) there are no living claimants on the paternal side.

Marriage of Tap Mat to Nywen, daughter of Kuthi Loy
(Duk Nuer; Recorded in 1948)



BRIDEWEALTH DISTRIBUTION

NWI GWAN

Gwan. A cow and cow-calf } To
A cow (young heifer) } son.
A bull } nywen.

NWI NAR (or NAR)

Nar. A bull and a bull-calf: To nywen
(as his mother's brother's son the full
brother).

BRIDEWEALTH

583 Domes. A bull: To KWICH KWITH.

Mendes. A bull: To BIL. FOUR.

Domes had back. A cow:

To BIL. KWITH.

Wagwan { grooming. A cow: To MANDIP.
mending. A cow: To KWICH.

Quander (mender). A bull:

To DUMDUM.

Wag. A cow-calf: To BILAL GAM.

Grooming. A cow and cow-calf: To BIL.

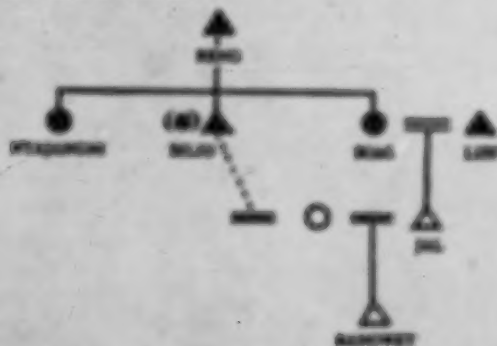
Mending. A cow:

To DUMDUM. } Wagwan.

Nar gwan (father).

A cow: To JAL. LAM or his son
SANGWET (father's son to BILAL who
married a wife in BILAL's name).

Mas. A cow and calf: To KWICH.



Tap M.: married Nyman, daughter of Kwich Law, in 1947. There is as yet no child of this union; Kwich himself performed the marriage, and his brother Chigbig is senior legal representative. The bridewealth payments are not considered complete, and Tap has promised to pay more when he can do so. The marriage is, however, considered legal and the ceremony of meat has been performed.

The following points are significant:

(1) All grandparents' claims (except) have been met, although Law, at least, was not alive when Nyman was born. It appears that among the Dik Nuer these claims are met, whatever the circumstances.

(2) Tap stated that he would pay a cow as pang back as part of the mother's portion (ghak mendi) and two cows as paternal uncle's portion (ghak gwan) to Chigbig. Chigbig stated that no further claims would be made beyond this.

(3) No bride cattle (see Bride Payments) have been paid, but Chigbig stated that this would be done when the bridewealth had been completed by (2) above.

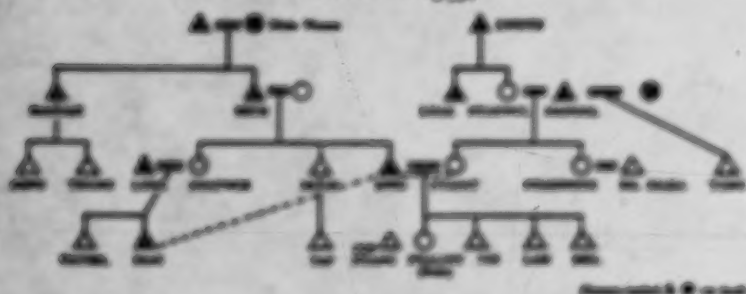
(4) On the mother's side (had her) there are no new claims (mother's brothers by the same mother). Since their portions should go to her father's (Law's) lineage, it might be expected that they would go to her half-brother Mamp. In fact they go to her own son, Kwich. (See also Marriage of Cap Nyang to Nyman Nuer, p. 175.)

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(v) A man called Jai Ling married a wife to his maternal uncle, Nilo Rang, who had died without issue. Jai's physiological son Rangwet is therefore legal son of Nilo and in fact calls himself Rangwet Nilo. Rangwet is therefore heir to the pang war pang (father's mother's brother) or father.

*Marriage of Coy Nyung to Nyulley Rang (Jikany Nuer;
Recorded in 1953)*



BRIDEWEALTH DISTRIBUTION

COY NYUNG

Groom

A cow and cow-calf

A bull

A buller (young female)

A buller (young female)

Delivered to the wife of

of Nilo's father's wife,

a child woman

Dowry

Three bulle: To son, cow and son.
(present)

Cowrie (present)

A cow and cow-calf: To son's mother.

A buller: To son's mother.

Cowrie (present)

A cow and cow-calf: To son's mother.

Nio

A cow: To son's mother.

Nio

A cow and cow-calf: To son's mother.

A cow and cow-calf: To son's mother.

A cow and cow-calf: To son's mother.

NYULLEY RANG

Nio (present)

A cow and cow-calf

A cow (young)

Nio (present)

A cow and cow-calf: To son's mother.

Nio

A cow: To son's mother's son.

Nio (present)

A buller: To the wife of son's mother.

Nio (present)

Nio (present)

Child bulle: To son's mother's son.

Child and son's mother.

(No cattle yet paid.)

Yang bulle.

A cow: To son's mother's son.

Child and for bringing up the bulle.

Nio (present)

A bull-calf: To son's mother, a friend

Nio (present)

Nio (present)

This marriage took place some six years before recording. There is only one surviving child—a girl aged four. Certain particularities about the relationships of the parties concerned are worth noting:

① The bride is the legal daughter of Nilo (son of Nio), but physiological daughter of Nio Ling. She and her brother are often referred to as past Nio (Nio) but are legally past Nio—because Nio married their mother Nio to Nio's son.

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(ii) Their physiological father, Ring Long, was sister's son to their legal father Rwei. Ring died and the children were brought up by his brother Gafet. Thus the bride has one man as legal father (*patet*), another as physiological father (*gafet*), and yet another as foster-father.

(iii) Rwei had no half-brothers who would normally be entitled to a portion as *gafet* *gafet*. In these circumstances this portion should go to Rwei's uncle brother, Magh. In fact they go to the sons of Manrak, father's brother to Rwei. This is not usual, but it appears that Manrak made substantial contributions to the bridewealth used by Ring to marry a 'ghost-wife' to Rwei. Hence Manrak (or his heirs) have a special interest in the daughter of this 'ghost-marriage'.

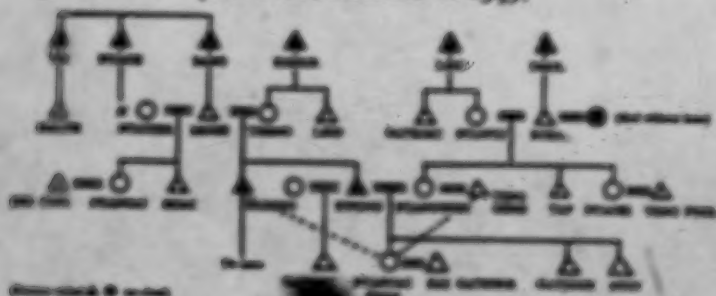
(iv) On the maternal side, Nyapat is the daughter of Mangol, a man of Rong Dinka extraction. He had no sons by his first wife Nyakwet, and hence the cattle of the *war* *war* (mother's brothers by same mother) are held in trust by Nyapat and will eventually go to her sons who are now minors. Since Tong is the only living representative of the maternal lineage, one might expect that these cattle would go to him. This would at any rate be correct according to normal usage. Yet the maternal uncle's portions (*war* *war* though not *war* *war*) are often inherited by his sister's son. See a further example of this in the marriage of Tap Mat to Nyamat (p. 101 (iv)).

(v) No *war* *war* cattle were paid on behalf of the grandparents, yet a cow was paid in the name of the bride's father's father's mother (a Dinka woman) described as *yung* *hant* *jangol*, literally: 'cow of the Dinka spine' and included in the father's portion.

(vi) A cow, referred to as *yung* *hant* *gafet*, was paid in the name of the bride's father's father and included in the father's portion. The explanation given was that both these animals were 'realms' and required attention.

(vii) Only one cow was paid as *hant* (for the bride's mother's maternal uncle). In accordance with Jhany practice a similar dedication should be made on the paternal side (bride's father's paternal uncle) at the next marriage in the family.

Marriage of Kai Gafet to Nyamat, daughter of Kwang Magh (Dak Nuer: Recorded in 1945)



BRIDEWEALTH DISTRIBUTION

ONE COW

Groom. A cow and a bull: To *gafet*.

Groom. A bull: To *gafet*.

ONE BULL (OR MAN)

Nur. A cow and bull: To *war*.

Manrak. A bull: To *war* *war*.

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Quenda (mule). A bull: To CATPOON.
Wai. A bull: To NYANAC and

Wangwe { grooming. A cow: To TAP.
mending. A cow: To TAP.

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Gwanding. Two bulls: }
To HUNG } Wangwe.

Mending. A cow: To CATPOON

Nar gwan. A bull: To LITH.

Qwan gwan. A bull (dog):

To NYANAC's house.

Quenda gwan. A bull (dog):

To MALITH.

OTHER PAYMENTS

Yang lake. A cow: To TENG CHING
(as groom).

NEVER PAYMENTS

Yang jighi nyai. A cow: (To KAI
from CATPOON) to ensure fertility
and avoid future calamity after
NYANAC's first child died.

Thick. A cow: (To KAI through his
mother from CATPOON).

Kai married Nyangwe about 1933 and has had by her nine children in all, of which six died in infancy. The situation at the time of marriage should be noted. Cattle had died in considerable numbers during the previous years, and bridewealth had been much reduced. Nyangwe's family will say that they would not have accepted so few cattle had this not been so. This marriage is of considerable interest, and several points emerge:

(i) Kwang married Nyangwe as a 'ghost-wife' for his dead brother Badeng. Kwang then died himself and Nyangwe was taken by Teng Gang in levirate union (Teng being a distant kinsman of Kwang). Teng is physiological father of Nyangwe while her legal father is Badeng. Despite this, she is referred to in ordinary conversation as daughter of Kwang. Kwang (and Badeng) had no uterine brothers, only Ruan, a half-brother.

(ii) In addition to normal payments a cow was paid as *dog*² to Kwang and Badeng's father's father's brother, and similarly a cow referred to as *dog* *gwan* (i.e. father's father's father's brother) to the bride. These payments are exceptional elsewhere in Norland, but it appears that they are often made in Duk.

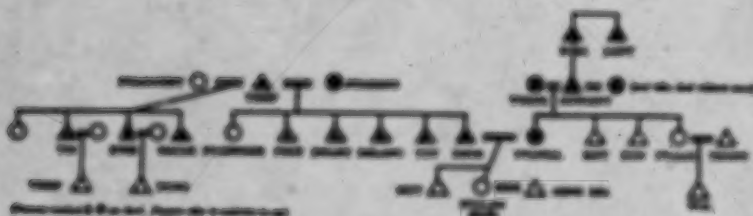
(iii) There are no exceptional circumstances on the maternal side except that nearly all cattle went to Tap since he is the only son of Ruan (mother's father).

(iv) One cow was paid to Kai (husband) as *thick* and another, as *yang jighi nyai*, on the birth of the first child.

In normal circumstances a cow would have been paid by Kai to his wife's mother on the birth of the first child. This also might be called *yang jighi*, which merely means 'cow of the spirit'. But the child died, and it was held that its father's spirit should be placated.

BRIDEWEALTH

Marriage of Deng Ruo to Nyulim, daughter of Dhor Thiop
(Thiang Nuer; Recorded in 1944)*



BRIDEWEALTH DISTRIBUTION

DENG RUA

Qian. A cow and its calf } To
(young bull) } NYULIM.
A bull and an ox }

Duan. An ox: To NYULIM.
Qian. A cow and calf, an ox:

To FUY THOP.
and a bull (young):
To SHANG THOP.

Qian. A cow (pregnant): To SHANG
(FUY will get the calf).

(Mandi) A bull: To THOP
(half to mother).

Wai. A bull: To SHANG
(to her son).

Qian. A cow:
To THOP THOP } Wang-
Mandi. A bull: } son.
To SHANG }

To SHANG }

Man. A cow and a bull: To NYULIM.

OTHER PARTNERS

Feng shi. A cow and calf: To NYULIM
for helping NYULIM.

Feng shi. A bull and an ox: To
NYULIM for helping NYULIM.

* There are no mother's brothers by a different mother.

The family of Thiop is a powerful one in the Bang primary section of Thiang. They are Nuer men, and Thiop is recorded in early Government reports (1898-1904) as the most powerful personality in the region. His half-brother Pan was for some time Court President, and Thiop Thiop is a "Section Chief". In all twenty-nine head of cattle were paid, but Deng Ruo is expected to give two or three more. The bridewealth is distributed a large one (particularly in 1944 after heavy losses from rinderpest) for the Thiop Nuer, but this might be expected considering the advantage of an alliance with so powerful a family. A claim will be made for Dhor's maternal uncle as father, and Deng

AMOUNT OF BRIDEWEALTH TODAY

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admitted this claim in the presence of his relatives-in-law. Certain points should be noted:

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(i) Dhor died without issue and his brother Tut married Nyasid as Dhor's 'ghost-wife'. Tut therefore receives the *yung dhor* and *yung pike* as *gusier* and *father* of the bride and also a calf as *gusier* *munde*.

(ii) Mut Dhor receives the father's portion as Dhor's heir.

(iii) All *wangon* cattle have been paid, though Thiap and Nyakong were both dead long before Nyasid was born.

(iv) Thiap Tot receives a cow (*gusier munde*) though one would expect this to go to Kiding or Tut. The explanation was that the latter had benefited in terms of their rights on the marriage of Nyasid's daughter. Thiap and Duing might also be expected to get the *gusier gusier* portions, but did not do so for the same reason.

(v) Ngwainy (on the maternal side) had a second wife, but she died without issue. Hence there are no *war gusier*, and Mut and Kan receive their cattle as well as the *wangon gusier* (*gusiering*).¹

Number of Cattle Paid Today

Professor Evans-Pritchard points out that—

there is good reason to suppose that till thirty or forty years ago cattle were as plentiful in Nuerland that bridewealth was paid at the ideal rate of an head. Of recent years the herds have diminished through rinderpest, and the traditional means of recuperation, sale on Dinka stock, has been checked by the presence of the Anglo-Egyptian government. Diminution has been fairly uniform throughout the whole of Nuerland and it would to-day in all parts be impossible for a man to raise as many as an head of cattle for marriage. The usual payment is from 20 to 30.²

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To rinderpest must be added the ravages of trypanosomiasis, a disease which appears to have increased during the last decade owing to mechanical transmission through other biting flies rather than tsetse. We must also bear in mind that the human population may have been less in those days, for although there are no statistical records available to work on, there are indications that the Nuer are increasing. Some tribes are, however, poorer in cattle than others,³ and bridewealth payments are not everywhere the same. It would probably be unsafe to state an average figure anywhere without an analysis of a very large number of marriages. Some marriages are referred to by the Nuer as *hara* or *hara*. This expression, which is a contradiction in terms, is used very loosely in this context for a literal translation would imply that they are illegal.⁴ What is meant is that the number of cattle paid is much less than normal even by present-day standards, but it should be noted that marriages made in these circumstances

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¹ What must also be noted is that Mut and Kan had married many cattle which in normal circumstances would have gone to a full brother, they prepared to marry a 'ghost-wife' to their father Nyasid. What would do so for 'Ghost-Marriage and Bridewealth', pp. 25-26.

² Evans-Pritchard, *op. cit.*, p. 120.

³ See Appendix I.

⁴ For the various meanings of *hara*, see pp. 60, 61, 121, 122, 6, 7.

583 are often stable. Moreover it is not usual for the wife's family to press for further payments provided the union is confirmed by the birth of children. It is not, therefore, necessarily the number of cattle paid or the fact that sufficient have been paid to meet the minimum claims which makes a marriage stable, but the social relationship of the two families concerned. In examining the legality of a marriage, a Nuor court may ascertain generally the number of cattle transferred, but will not examine each of the many claims. The most telling evidence in this respect is the performance of the marriage ceremonies, for it is assumed that performance indicates the acceptance of the bride's family and this implies that they have been satisfied in the matter of bridewealth cattle.

Dispute over Bridewealth Payments and Distribution

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691 Dispute over bridewealth between the bridegroom and the bride's family do not often arise. Even if the bridegroom does not pay all the cattle required to meet the claims made at the time of marriage, but promises to do so later and then fails, the bride's family can always threaten a divorce which is usually a sanction strong enough to ensure payment. The claims of the *ji rangal* are an usually met first, and if any cattle are forgiven or postponed, it is by arrangement with the immediate family of the bride. Moreover claims made by the *ji rangal* will be against the bride's immediate kinsmen, not against her husband, for the distribution of bridewealth among his wife's family is not his direct concern.

The rules of distribution apply within the group of the wife. These are collectively referred to by the husband as *ji nuor* ('people of the skin', or relatives-in-law). Further rules govern the distribution between the father's lineage and the mother's lineage and then lineage brought in by other marital relationships. Disputes over these claims are common, and there is an unfortunate tendency to use the courts as a sanction for the fulfillment of kinship obligations. The majority, however, are settled by the elders of the lineages concerned, and the courts often discuss such cases as *nuor tsho*, 'house talk', which should be settled within the kinship group.

There may be times when one person standing in a special relationship to the bride which carries with it a claim to part of her bridewealth, and if this is so there is always a tendency to alternate. If a man fails to get cattle on the marriage of one of his daughters, he will expect to do so on the marriage of her sister. Disputes sometimes arise, especially over claims that have remained unpaid in the second generation. Such matters are strictly speaking governed by the rules of inheritance, but so far as cattle are concerned, the rules of distribution are part of inheritance. Two examples are quoted below. Both are typical, and it will be noted that the first was discussed by the

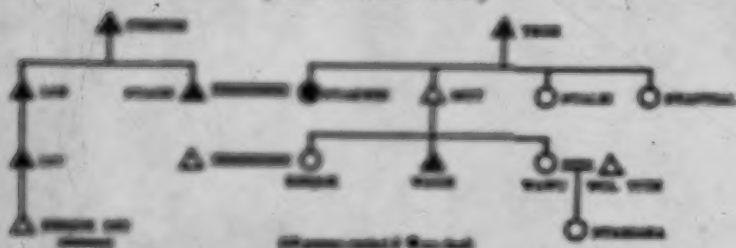
DISPUTES OVER BRIDEWEALTH

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court on the grounds that the claim was too old to be valid, the second on the grounds that the dispute was purely an intimate family concern.

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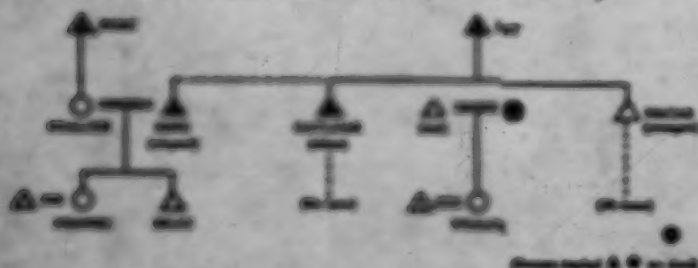
*Dispute between family of Cahak and family of Yegh
(Gannar Near Case)*



Nyadrel, daughter of Yegh, was married by Nyagh, son of Cahak. Nyadrel died without issue, but there was no dissolution of marriage, Nyagh being content to leave his wife with Yegh's family. Nyagh, as Nyadrel's husband, would, according to the laws of distribution of bridewealth, be entitled to claim a yang once (one of the general ones) as the marriage of any of Mar's daughters. In fact the yang once of Karjok's marriage went to Nyadrel and that of Wawa to Nyadrel. This promised to give Nyagh the yang once of Wagh's marriage, but it was not paid at the time of her marriage, and she died shortly afterwards. Karjok (the son of Nyagh (brother's son's son)) then claimed yang once as the marriage of Wawa's daughter Nyadrel, on the grounds that it should go to Wagh, whose one yang once should have gone to Nyagh through Nyadrel.

The court was at first puzzled by this case, and said that the once of Nyadrel should go to Wagh's husband. Karjok then produced evidence that Wagh's marriage had been dissolved as she had died without issue, and pointed out that her sister Karjok had already received a yang once as the marriage of another of Wawa's daughters. The court was unable to give an exact definition of the law in these circumstances, but dismissed Karjok's claim on the grounds that it was based on a claim which had not been fulfilled in the time of his grandfather and that his claim had therefore lapsed.

Nyadrel Near v. Marar Pat (Lah Near Case)



The first case was—(the son of Nyadrel, Gannar (the sister or brother), Gannar (the sister or brother) and Marar (the daughter or son).) On the

¹ For further explanation of these cases of marriage, see p. 123.

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marriage of Dak's daughter Nyalish, Masei got a cow (young nungwen) and a cow-calf (gundin). Ring was by that time dead, but his wife Nyalish received the remainder of the gundin cattle—the cattle of the paternal uncle—on behalf of her son Bilin, then a minor: a cow, an ox and a bull-calf. On the marriage of Ring's daughter Nyawet, the gundin gundin—a cow—and the nungwen—a cow-calf—were given to Masei again as heir to Gathuk, then dead with no issue. Dak objected to this and, as a protest, seized the cattle held by Nyalish (received on the marriage of Nyalish) for her son. Nyalish then took the matter to court and demanded the transfer of the cattle received by Masei on the marriage of Nyawet, to Dak, so that Dak would give her back her cattle. Court dismissed the case on the grounds that—

(i) Masei, as heir to Gathuk, has a right to the nungwen and gundin of Nyalish. Dak cannot retrieve these cattle for the marriage of his own daughter.

(ii) The dispute is strictly between Nyalish and Dak.

But (iii) it is a purely family matter which they must settle themselves, because Nyalish is living with Dak in levirate union, he has no male heir, and all his cattle will anyway go to Bilin of whom Dak is paternal uncle.

4. THE LEGALITY OF MARRIAGE

General Principles

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From an analysis of the social and ritual processes of marriage and of the transfer of bridewealth cattle from one group to another, there emerge certain legal principles which are relevant to a study of Nuer law as administered in the courts today:

(i) Apart from the social and ritual processes, the performance of which not only gives stability to marriage but emphasizes the degree of agreement reached at any stage, the key to the legality of a union lies in the transfer of cattle from one kinship group to another on behalf of an individual. The individual thereby obtains rights in his wife which are domestic, economic, and procreative. Even though these are sometimes assumed so far as domestic and economic rights are concerned, they are never assumed in situations where the legal status of the children is concerned unless cattle have been transferred.

(ii) Therefore, in any dispute which concerns bridewealth, the return of bridewealth, or rights in the distribution of bridewealth, reference must be made to the individual on whose behalf cattle were transferred. Whether he be alive or dead, he is the nuclear point from which legal discussion must start, and the rights of others are determined by their relationship to him in the kinship structure or the relationship created by marriage. At a later stage, when children are born of the union, all parties concerned become linked through the position of the children in the kinship structure of both sides.

We have seen that, although marriage is still precarious and does not necessarily achieve a high degree of stability until a child is born of the union and the bride takes up her abode permanently with her

LEGALITY OF MARRIAGE

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husband, at a certain stage in the proceedings she acquires not only social status as married woman and wife but also legal status. It is at this point that the bridegroom becomes legal husband of the woman. 583
581

It is, however, sometimes difficult to determine the exact point at which this occurs. The problem is best examined in reference to wrongs in relation to the woman, and perhaps best exemplified in cases of adultery, for a man cannot claim damages in such a situation unless he is legal husband of the woman concerned. There is in fact considerable variation on this point in Nuerland, and it has become a controversial subject in cases which arise between individuals of different tribes, now brought together through the agency of the courts. Clearly it is ultimately the amount of cattle paid to satisfy the claims of the bride's relatives which determines the legality of a union, but this cannot be expressed as a rigid rule, for an equal number of cattle is not and cannot be transferred in all marriages, and the period over which they are paid is variable. This is particularly true today when there are less cattle in relation to population than before, because to insist on full transfer of bridewealth in one transaction would mean endless delay in collecting bridewealth, and this is not acceptable either to the bridegroom, who is impatient for his bride, or to her family, who wish to use the bridewealth cattle for their own marriages. The legality of marriage therefore finds expression in the degree of agreement reached by the people concerned, this being reflected in each stage of the marriage ceremonies. Some tribes consider that acceptance of the cattle negotiated at the *neer* ceremony, and particularly at the rite called *yir apal*, even if they appear totally inadequate when compared to the bridewealth ideal, amounts to legal recognition. Others consider that legality is established at the *shat* ceremony which follows, and certainly it is at this ceremony that the change of status of the bride from a girl (*apal*) to a married woman (*shat*) in relation to society as a whole is most clearly symbolized.¹ For the first time she is released from her family (*laay dal*) and from parental care. For the first time she is introduced publicly into the home of her bridegroom (*neer apal*) and physical consummation is recognized. Further, she is ceremonially shared by her bridegroom's female relatives (*neer*), and this not only has ritual significance in connection with her fertility, but signifies, too, her acceptance as a married woman, her status being determined in relation to other women of the household and through

¹ It might be argued that the ceremony performed at the time, when the bride is dressed in the clothes which signify a married woman, constitutes a change of status from 'girl' (*apal*) to 'married woman' (*shat*). Presumably this is so among those tribes who consider that the *neer* establishes legal marriage. But it must be remembered that it is not so much her general status, as her status in relation to her husband and his line which is important from the legal aspect, and this is only brought out at the *shat*. The *neer apal* and *shat* do not clarify the problem, because a man will often enter as his affianced bride or *shat-da* (see wife) as a very early stage in the proceedings, and the woman is often referred to as *apal* long after the *shat*.

000 organization can be maintained, and in so far as Nuer courts operate today they are in fact a means by which it is maintained.

231 The multiple factors and circumstances which have bearing on a
581 dispute over cattle cannot be summarized, but if the principles are
583 understood it is easy enough to see the issues. Cattle provide the key
to status within the kinship group and between two kinship groups
when marital relationship is established. The payment of bridewealth
cattle determines the legality of the union, and if this is not done, the
legitimacy of the children can be made valid by the payment of fines
in cattle. Disputes often arise over such matters, but it is rarely the
legal aspect which is denied; it is rather that certain persons refuse to
honour their legal obligations, and the court then enforces the law.
As we shall see in the next part of this chapter, other cases arise over
the return of bridewealth cattle in divorce and the dissolution of marriage,
over the non-fulfilment of the obligations of kinship in the distribution
of cattle, and from claims on the bridewealth of daughters,
both by the mother's and the father's kinsmen. Disputes also
arise over wrongs committed, violations of rights established in
legal marriage, and the legitimization of children. Whether, in the
settlement of the dispute before the court, the legal principles can be
accurately and rigidly applied, depends on the circumstances. The
law is not sufficiently exact to cover all situations.

TRANSFORMATION OF CUSTOM INTO LAW 227

occurred, were fearful retaliation or self-help; social repudiation within the community and unpopularity, loss of prestige and privilege, and so on. The form of these sanctions was neither constant nor continuous, but they were certainly effective in some instances. The sanctions were variable and their effect was relative to the position in the social structure and the actual daily proximity of the persons concerned, and depended also on the political relations prevailing between the tribal segments to which they belonged. Nowadays these matters are to a greater or lesser degree brought before the courts and a settlement is enforced. Customary procedure has become law in the more precise definition.

This may be stressed by reference to the examples already recorded in detail. It is, for instance, customary, on the death of a wife who has not fulfilled the required procreative obligations, for the bridewealth cattle to be returned to her husband, thus dissolving the union, though the wife's family may usually claim certain deductions. The Nuer regard this procedure as logical and correct, though it is doubtful whether it was followed in the past, especially as the dissolution of marriages appears to have been less frequent or even impossible after some years of marriage had elapsed. If the marriage is not dissolved, either because the husband does not wish it or because the wife has already borne sufficient children to stabilize the union for all time, her family may be expected to assist the widower by payment of certain cattle (*ghab mako*), which will be used to feed the children or to enable him to marry again so that 'there may be a mother in the house'. This may be regarded as a matter of custom, for in the past the payment decisions depended on the terms on which the husband and his dead wife's family continued to live. This is also true today and most situations of this sort call for no dispute. If this custom becomes a subject for litigation and appears before a court, payment may be enforced. The court will begin by saying to the wife's family that it is customary to give *ghab mako* in such circumstances and that the husband is in the right: take away, 'he has a right'. They are taking as a criterion what a reasonable Nuer may be expected to do in similar circumstances, and will call upon the wife's family to conform to that criterion, but, after persuasion, they will in the final event enforce this decision with the threat of punishment if it is not followed. To quote another example: in marriage, it is customary for the bride's father's ag-mates to receive a cow called *pay ri*. The special relationship between the bride's father and his ag-mates, and symbolically the intimate association of all ag-mates, is thus socially recognized. If questioned the Nuer would undoubtedly say that the ag-mates have a right (money) to this cow. Further, there are three different sets of people involved in this transaction. In the first place the bride's family are concerned with

671 the bridegroom. The question arises whether or not he will meet
 583 this particular claim. If pressed he will probably do so because
 the bride's family might terminate the negotiations, though this is
 unlikely to happen over so remote a claim as the cow of the age-mate.
 In the second place the bride's father is concerned with his age-mate,
 and here there is an element of reciprocal exchange.¹ A cow is not
 given to all age-mates of the bride's father, only to one who has a
 particularly close connexion with him and has probably undergone
 with him the ritual processes of initiation which impart a
 mystical association analogous to kinship. We see therefore that
 the custom is a complicated one involving two separate trans-
 actions and subject to different sanctions. If a dispute over this pay-
 ment reached a Nuer court, payment would in most instances be
 enforced. When there are sufficient precedents to constitute a
 consistent application of a custom of this sort, we should be justified
 in speaking of the claim as a legal and enforceable right.

671 Again, certain categories of magical experts are entitled to a fee for
 791 their services. Such claims often appear before the courts. The court
 will consider the circumstances, estimate whether the alleged benefits
 have been received or not, and if necessary order the client to
 pay the fee. The transaction is in the nature of a contract which is
 now enforceable in law. In the past the sanctions were retaliatory,
 though in this particular instance forceful retaliation would be unlikely
 since more commonly the magician's supernatural powers, which might
 be used against his client, would be feared.

671 Compensation for wrongs, recognized in tradition, expressed in
 673 traditional scales, and originally a basis for compromise, is now
 enforced in the Courts. Adultery, for example, is a recognized wrong
 and one which should be rectified by the payment of a suitable indem-
 nity. Whether or not this was paid in the past depended again on the
 sanctions prevailing, but nowadays the wrongdoer will in the final
 event be compelled to pay. This applies to other legal wrongs, such as
 the seduction or impregnation of unmarried girls, and theft or damage
 of property.

671 Among the Nuer there is a vast field of custom and convention
 177 which is now supported by legal sanctions and thus becomes the law.
 Moreover this transformation of custom into law is being carried to
 extremes among the Nuer, for there is an increasing tendency to treat
 all social customs and conventions as enforceable laws.

Throughout this discussion of Nuer customary law we have some-
 times been speaking of the present, sometimes of the past. Under
 the influence of modern administration systems of social control are

¹ The age-mate will receive the cow if the bride's father has received a like privilege
 on the marriage of the age-mate's daughter or has the expectation of doing so. See
 p. 210 and n. 2.

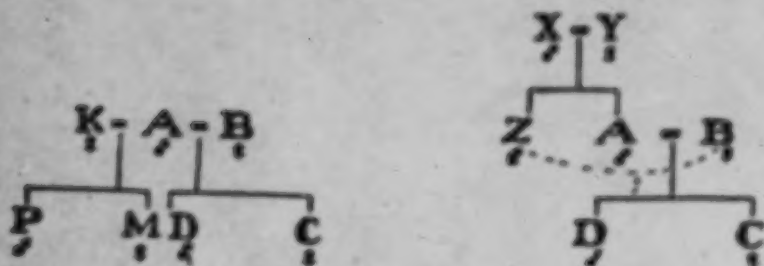
SOME ASPECTS OF MARRIAGE AND FAMILY AMONG THE NUER 21

husband towards them. One can only know by enquiry. In no way is their behaviour stigmatized as immoral. If a woman prefers to live as a concubine than as a wife that is her affair. Where they are in a worse position than a wife is that they cannot expect the same support from their kinsmen in disputes with their lovers as a wife can expect from her kinsmen in disputes with her husband. What a wife may demand as a right a concubine can only ask as a privilege. This disability is compensated for by the independence they enjoy. They are free to move as they please and to have love affairs whenever and with whomsoever they like. Those unmarried concubines whom I have known personally have been women of strong character who value their independence and do not desire matrimony. They refuse to be bullied by parents or husbands. Indeed Nuer realise that they are temperamentally unfit for normal marriage and consider that they are unlikely to settle down till they are old.

The main difference between a widow-concubine and an unmarried concubine is that a widow-concubine has had cattle paid to her kinsmen and these cattle are still "on her back" (*te ghok jokde*), as Nuer say, whereas an unmarried concubine has never had any cattle paid to her kinsmen, save those as a fee to affiliate her children to the lineage of her lovers. If she was once married her bride-cattle have been returned. *Ksa e cek me caa ghok liny jok jaude*, "A *ksa* is a woman from whose back cattle have been returned". When cattle are paid to make a child of an unmarried concubine the legal child of the man who begot him they are a legitimization fee and not bride-wealth. The payment neither gives the father control over the mother nor a right to other children that she may bear by him or by any other man.

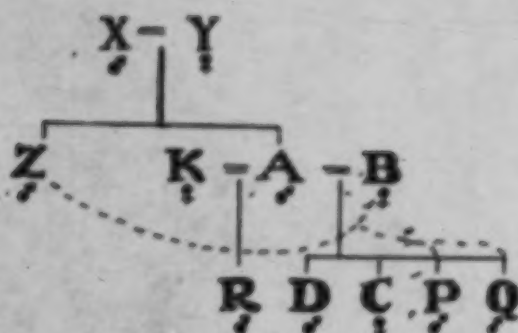
Sometimes instead of legitimizing his child by payment of a fee a man marries the mother and, by payment of bride-wealth, not only legitimizes the child but also any future children whom she may bear by him or by any other man. A *cek ma ksa*, an unmarried concubine, then becomes a *cek pany*, a true wife. When a man marries a concubine he does not pay as many cattle as he would have done had he married her as a maiden. He is said to pay some ten to fifteen beasts instead of from twenty to thirty.

A man only marries a concubine when he is certain that she wishes to remain with him. For sometimes a girl becomes a concubine, not through unwillingness to settle down to married life, but because her parents have forced her to marry a man whom she detests and whom she has provoked to divorce her. A girl may even run away from home in despair when faced with marriage to a man she dislikes, and live with a lover in a different tribe. Some girls are betrayed by youths who have courted them and refused to marry them when pregnant, though, in my experience, this is very rare because a youth is generally glad to marry a girl who is in child by him. In this case the girl becomes a *ksa* but she will not remain one, for she will be married to another man who becomes the pater and foster-father of the child though he is not the genitor. Men do not object to marrying young women who have borne a single child but they are unwilling to marry older women who have already borne several children.



1. Simple Marriage

2. Ghost Marriage



3. Leviritic Marriage

Diagram V



4. Widow Concubinage

5. Simple Concubinage

28 SOME ASPECTS OF MARRIAGE AND FAMILY AMONG THE NUER

611 pater may count in childhood it grows in importance as the children reach
manhood.

593 (C) Children may be born into two families and brought up in several
households. This may lead to a clash of interests and divided loyalties.
This is most likely when the pater is represented by a man who is not the
genitor and foster-father of the children, and is least likely when the
genitor and foster-father is a legal substitute for the pater.

611 (D) Legal paternity has a very different significance in the case of
593 sons and in the case of daughters. The pater's kin want the sons to live
562 in their home for reasons of sentiment and because they increase the
strength of the group. The sons are drawn to their pater's kin by senti-
ment and self-interest. Their pater's people are their true kin and only in
their pater's village are they owners of the soil and of the cattle. A man
who wants to inherit his father's cattle and to receive portions of the bride-
wealth of the daughters of his kinsmen should go to live among his father's
kin and there marry a wife and beget children to their lineage. The
pater's kin care little whether his daughters come to live with them or not.
"Daughters are unrelated persons." They will bear children who will
be members of other groups. So long as the pater's kin receive the cattle
of their bride-wealth they do not mind what happens to their persons.
Daughters often do not, therefore, join the kin of their pater but may be
married from the homes of their genitors or foster-fathers. They are not
compelled by sentiment or self-interest to join the kin of their pater.

583 (E) Types of procreative unions and families are classed by the nature
611 of the social tie that links children to their pater, and of the social relation-
593 ship between pater and genitor, and not by the tie that links the children
to their mother. This is because the mother is comparatively unimportant
from the legal standpoint since men take their status and derive their
privileges mainly from their pater. Moreover the functions of mother-
hood are not divided among several women as the functions of fatherhood
may be divided among several men. The legal mother, defined by the
bride-wealth paid to her kin on her marriage, and by the cattle she receives
as such on the marriage of her daughters, is always the biological mother.
Motherhood has only split roles when a woman lives apart from her
children, as may happen with widow-concubines, and in these cases the
women who provide the children (who are not their own children) with
food do not receive legal recognition of their services. The general
social, rather than specific legal significance of motherhood is treated else-
where.

573 (F) I do not more than draw attention here to the effect on kinship
602 structure and sentiment of the different types of procreative unions. The
fact that men in ghost-marriage and levirite marriage raise up seed to
their kinsmen has the effect that the group of kinsmen have closer relation-
ships and a greater sense of common interests than they would have if they
were all children of different simple legal families. The wider kinship
group gains at the expense of the restricted family group. The prevalence
of widow-concubinage and unmarried concubinage also strengthens
sentiments of kinship, because there is in these cases no single undivided

SOME ASPECTS OF MARRIAGE AND FAMILY AMONG THE NUOR 29

family, both legal and domestic, to demand a man's major allegiance at the expense of the solidarity of the wider kinship group which provides a boy with scope for his deepest interests and ambitions. 513 601

VIII

That these different forms of marriage and concubinage are of great sociological importance cannot be doubted. It is desirable, therefore, after having formally defined the different types of marriage and concubinage, to estimate approximately how widespread are the other types of union in comparison with simple legal marriage before discussing their influence on behaviour. After taking soundings by recording genealogies of a few persons with whom I was intimate among the Lek, Lon, and Jikany tribes, I decided to pay special attention to this problem on my 1936 expedition. A village of the Karhal tribe was selected and a survey of marital conditions was conducted in it. The results confirmed the impression formed by my earlier genealogical enquiries that all these different types of marriage and concubinage are common. My previous soundings proved, moreover, that the village investigated was fairly typical of Nuor villages. 121

The village chosen was Nyueny. It was not selected at random but was chosen because it is the home of my servant Nhial whose family already knew me. Though his father resides there it is the village of his maternal kin and they had known for some years about my work. I was therefore sure of a friendly welcome and consequently it was possible to make a rapid survey. Had I been a complete stranger the enquiry could not have been accomplished in the short time I had to give to it, because Nuor oppose any investigation till they have reasoned one and, even then, are stubborn informants. On previous expeditions I had recorded the genealogies of Nhial on both sides of his family so that much of my work was merely checking on the spot this earlier information.

I spent five weeks in Nyueny. There was insufficient time for a full enquiry because such enquiries are exceedingly difficult—indeed I know of no more difficult task among Nilotic peoples than that of obtaining correct genealogies. But it was sufficient to obtain a well-checked record of matrimonial conditions, even if it is not a complete record, since I was by this time well advanced in my Nuor studies and was, moreover, able to obtain reliable and friendly assistance from the people of Nyueny. 124

Nyueny is a typical Nuor village. It consists of a number of huts and byres dotted in the arc of a circle along a sandy ridge. The main village is about a mile in length and is divided into three hamlets: Nyueny, Dakyil, and Kamthiang (see Diagram No. VI). About a mile to the north lies the hamlet of Dorpan, the occupants of which recently moved from the main village. The byres of Nyueny do not face straight on to the ridge because wind-blown rain would be swept through the doorway but they face E. to S.E. On the western side of the village, at the backs of the huts and byres, lie gardens; and gardens and bush alternate between the main village and the hamlet of Dorpan. Nyueny is one of the finest 361

SOME ASPECTS OF MARRIAGE AND FAMILY AMONG THE MURU 37

section, whom he has recently wed. She will live with her parents and has not yet brought the infant daughter she bore Nhal to his home. At one time Nhal cohabited with Nyabang of Homestead No. XXI. The byre in his homestead has fallen down and will soon be rebuilt.

Homestead No. XXIV. Nyathian ♀—Wei ♂, a widow of Gabush ♂—Thal ♂. She bore her husband Tap ♂ who lives in the homestead of Dhoal ♂ of Homestead No. XX. Dhoal ♂ now cohabits with her and she has borne him Gai ♂, Post ♂, Nyagwar ♀, Lanth ♂, Nyakwadi ♀, and a female infant. This cohabitation would be regarded by Muru as levitical concubinage because Gabush ♂ and Cut ♂, the father of Dhoal ♂, were both sons of Thal.

Nyathian's mother, Nyakwadi ♀, a very old Baggara Arab captive, lives with her.

Homestead No. XXV. Kwai ♂—Kwath ♂ (Kwath ♂, Gabush ♂, and Cut ♂ were brothers). Kwai is unmarried. His mother, Nyamani ♀—Kulanga ♀, a Bar woman, and his brothers, Bush ♂ and Dwoth ♂, and his sister, Nyathian ♀, live in the same homestead. He shares his cattle-byre with Nhal ♂, of Homestead No. XXIII, and two sons of Dit ♂, Rwet ♂ and Wotjak ♂ (Homestead No. XXVI).

Homestead No. XXVI. Nyathian ♀—Yash ♂, widow of Dit ♂—Bink ♂, to whom she bore Rwet ♂, Yangkash ♀, Nyakar ♀, Nyampanh ♀, and Wotjak ♂. After her husband's death she cohabited with Carro ♂—Gwet ♂ of Nyang village to whom she bore Nyilal ♀, Ging ♀, and Nyadash ♀. She is now past child-bearing. She is a noted diviner and magician. The byre of this homestead fell down last year.

The information collected about matrimonial conditions at Nyucry is not full enough to allow a very fine classification but a crude analysis in the form of a summary may be presented. There are thirty-three women in the village who have either been married or have borne children. The number includes only women living in the village as their normal residence and not such women as Nyamani ♀—Kwawar ♀ even though she has declared her intention of settling there; nor the wife of Nhal ♂—Rainen ♀ because she has gone back to her own people and he is almost certain to divorce her; nor the unmarried woman who was living as Nhal's concubine because she was a bird of passage. I have not counted women, recently married by men of Nyucry, who are still living in the homes of their parents. These thirty-three women are living in the domestic conditions shown in the first column.

The second column presents an analysis of all the different types of union to which the thirty-three women are known, at one time or another, to have been partners. The second column does not pretend to the accuracy of the first for I did not attempt to record the complete domestic history of each woman, though much information about them was collected in the course of a general enquiry. It is hoped, nevertheless, that the second column will be of service in correcting any distortion in the first, for, except for unmarried concubines who have not been married and afterwards divorced, all the women have at one time lived in the union of one or other form of marriage. I have not attempted to estimate the number

28 SOME ASPECTS OF MARRIAGE AND FAMILY AMONG THE NUER

573 of adulterous unions in which these women have at any time lived. This would be too difficult. The Dek girl of Homestead No. XX is therefore included among the widow-concubines.

The third column lists the children born of thirty-two of these women according to the type of union in which they were born. Nyalemi of Homestead No. XXIV is not included as no enquiry was made about her children. This column gives us some rough vital statistics for it shows a total of 109 children, an average of 3.4 children per woman, or, if we exclude the two barren women from this calculation, 3.6 children per woman. Women in advanced pregnancy were counted as having given birth to a single child. I say that these statistics are rough because there can be no doubt that a large number of children who died at birth or in infancy have not been recorded. Indeed no special enquiry into this matter was prosecuted. The number of children born per fertile woman is therefore probably much higher than 3.6, perhaps being as high as 5.0. It is also possible that there are more than 2 barren women in the village.

	Union of 33 women in 1936	Total unions of 33 women	Children of 32 women
Wives in simple legal marriage	3	23	44
Female husbands ..	1	1	—
Wives of female husbands ..	3	3	5
Wives in ghost-marriage ..	5	5	6
Wives in leviritic marriage ..	2	4	12
Widow-concubines ..	6	14	36
Unmarried concubines ..	3	5	3
Women living in adultery ..	1	—	3
Old women without mates ..	9	—	—

Certain considerations must be kept in mind if a false impression is not to be created by these figures. Wives of female husbands and wives in ghost-marriage are to all intents and purposes in the same legal position as wives in simple legal marriages. If we include also wives in leviritic marriage we have a total of thirteen women living in one or other form of legal marriage and ten women living in one or other form of concubinage. It must be remembered also that a number of young men of the village have young wives in the villages of their parents-in-law for it is Nuer custom that a wife does not join her husband till after she has weaned her first child.

162 The number of widow-concubines and of old women without mates (who are also widows) suggests a very high mortality rate among males. This is partly due to the constant fighting that used to go on, and still to a lesser extent goes on between Nuer. In a number of cases recorded in the village women have been widowed by the violent death of their husbands.

583 The amount of concubinage is remarkable and contrasts with the relatively small number of leviritic unions. The number of divorces recorded is small and this is probably a true index for Nuerland as a whole.

357 for her future. She must do as they say or pay for her
573 refusal by beatings from them. Her lot is not a pleasant
one if her desires conflict with the plans of her father or
brothers.

164 If she has been a victim of that dreadful tropical
disease, yaws, and has any ulcer caused by it, her brothers
may take her to the nearest medical aid—either to the
[743] Government or mission clinic—and seek healing for her,
for they will be at a decided disadvantage in obtaining the
marriage price they seek if their sister is still suffering
from this disease and has unhealed ulcers.

Or she may have trachoma and may have suffered for
years from trichiasis, and now they seek medical and
surgical aid for this. What man will want a half-blind
wife or be willing to pay any reasonable number of cattle
for her? But when these physical defects are remedied,
they may hope to get the usual number of cattle for her,
and that, to them, is the major point.

593 Their sister must be physically able to bear a living,
583 healthy child and regain her own health. Or, if she fail
repeatedly in the first point or possibly fails to survive the
ordeal of child-birth herself, her husband and his people
may, and practically always do, ask for the return of the
cattle which they paid as the marriage price.

So it is worth their while to invest the price of a sheep
or two in securing physical health for their sister in order
that she may bring them a greater number of cattle, and
that her physical condition may not cause them to have to
return the cattle they have received for her.

Her lot may be a most unhappy one if the man she loves
has not the number of cattle her people desire or if they
wish her to marry some one else. But if her health is good
and her desires in regard to her future husband coincide
with those of her family, her lot is a happy one.

Chapter Five

COURTSHIP AND MARRIAGE AND THE BABY

PREPARATION AND CHOICE

573 **P**ROBABLY the most important event in the life of a Nuer girl is her courtship and marriage.

Her thoughts, even when a child, are upon her future husband, who he may be, what he may pay as the marriage price. Of course she often hears the village talk of how many cattle may be received for her. Sometimes her father or her brothers need cattle to help them out of financial difficulties incurred possibly through their own marriage plans. So they arrange the girl's marriage while she is yet a little girl and secure an initial payment of a cow or two in order to help them out. The husband does not take the girl to his village then but waits until she is older, and then he must pay the rest of the wedding price for her. Sometimes this man may be young, but more often he is an older man who has the cattle to help her father out of his extremity. And this older man may be planning to take her for his second or third wife, or possibly to get her for a wife for his son.

304 During her younger years she must have each ear
301 pierced in from five to seven places along the outer edge, and she must have her upper lip pierced in the centre in order to wear a nail in it. When she is first taken to her husband's home white beads, as has already been noted, must be put in her ears, which will proclaim her status as a married woman to all who see her.

857 During her girlhood she must learn all the tasks that fall to woman's lot.

301 As she nears marriageable age she adorns her body with all the beads, anklets, wristlets, necklaces of various

skins from it are secured over the body. Cattle urine is used in churning and cheese-making and also for washing. Evans-Fritchard rightly calls the Nuer 'parasites of the cow'. (1)

The social importance of cattle among the Nuer

The fact that cattle have more than an economic value may be amply illustrated from the part they play in social life.

Relationships with neighbouring tribal groups are partly dependent on the value attached to cattle. The Nuer are contemptuous of those who have no cattle, while they regard those who have in order that they may augment their own herds. A man will defend his cattle to the last and will die for the sake of the herds. Disputes within the Nuer tribe are often about cattle and about the ownership of pastures and water supplies necessary for their well-being. Cattle are paid in compensation for homicide and injury. It is the needs of the cattle which compel the yearly dry-season migration to fresh pastures.

Cattle form the bridewealth of the Nuer, that is, the successive transfers of cattle from the bridegroom's family to that of the bride marking the steps of marriage. Cattle are farmed out among friends as a precaution against the total destruction of a herd by disease; thus they tend to consolidate friendships and to maintain the network of relationships between people within a village and between the inhabitants of separate villages.

Family relationships are expressed in terms of cattle, as are the roles of incest and the status of an individual. Men take 'cow-names' - names which refer to the colour or other peculiarities of their favourite animals. In ritual cattle play an important part; they are sacrificed to the spirits and, when he desires to establish contact with ghosts and spirits, a man rubs ashes along the back of an animal, invoking the ancestral spirits as he does so. Cows are dedicated to the totemic spirits and the sky spirits. Daily life revolves round the needs of cattle; Nuer think cattle and talk cattle. Cows are valued for display and prestige, and the merits of their favourite herds are boasted of by their owners. Nuer language is rich in terms describing the various attributes of cattle. Tassels, decorations and carved tethering posts are made by the owners, while the favourites in the herd will be played with, sung to and have poems made up about them. Young men will get boys to lead their favourite on round the village for all to admire and will themselves leap behind it. Among the Nuer there is scarcely any aspect of life into which cattle do not enter and play an important part. Evans-Fritchard writes that the Nuer define all social processes and relationships in terms of cattle and that their social idiom is a bovine idiom.

(1) Evans-Fritchard, *The Nuer*, 1940, p. 30.

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In certain respects the status

584 of an unmarried woman is inferior to that of the mother for whom bride-wealth has been paid,⁽¹⁾ but her position may be regularized at any time by payment of cattle to her lineage.

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The rules of consanguinity apply to simple legal marriages and to all other unions. Physiological paternity does not appear to be stressed by the Nuer, but what is important to them is that the legal parentage of a child should be well established. The various types of union mentioned give rise to various difficulties owing to the clash of interests which may occur when the legal parent of a child is not his genetic, or his foster father. These difficulties are least likely to arise in the simple legal family where consanguinity and interests go together and inheritance is plain.

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Adultery is not uncommon and, if it can be proved, the adulterer has to pay a fine of 6 cattle to the husband, except when a child has been born, for it seems that the adulterer has a claim on the child. If a man is caught in the act, he may be speared or clubbed.

BRIDEWEALTH

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Installments of the bridewealth are handed over by the bridegroom's family to that of the bride, *pari passu* with a series of ceremonial acts, until the union is completed by the birth of a child.

The ideal amount of bridewealth consists of 40 head of cattle, and of these 20 go to the father's side of the bride's family and 20 to the mother's side. The actual distribution in any particular marriage approximates as nearly as possible to the ideal distribution.⁽²⁾

The number of animals actually handed over is usually less than 40, but in all cases there is a minimum number without which marriage could not take place. Essential claims are settled at the first bridewealth discussion; those due to the maternal relatives have priority, as they represent a deferred payment standing over from the marriage of the bride's mother. Lengthy arguments take place over the remainder of the animals. Paternal and other kinsmen, whose relationship is not close enough to carry a title to a defined share of the bridewealth, may claim a small gift; the genetic of the bride has a right to a cow if he is not also her legal father.

Bridewealth has two main functions: in the first place it creates new social ties between persons and regulates their relations until these have become assimilated to kinship patterns; secondly, it determines the lineage affiliations of the children of the union.⁽³⁾

MARRIAGE CEREMONIES

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A number of rites are necessary for the conclusion of a marriage, and the sequence of rites is linked with the transfer of cattle; thus, the performance of a given ritual is a recognition that the required number of

(1) Evans-Pritchard, "Some aspects of marriage and the family among the Nuer", 1928, p. 329.

(2) Evans-Pritchard, *Africa*, XVI, 1946, p. 349.

(3) Evans-Pritchard, *African Studies*, XI.4, 1947, p. 121.

SPIRITS OF THE BELOW

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[521] clan bear an ox-hide his next child might be born without teeth in the gums of the upper jaw as a cow is without upper incisors. A further observance said to obtain in the clan is that their women may not cross a marshy shallow without first kicking some water out of it. People say that the Jikui are jikwoth, God's people, in that they are an augury in war, for if a man on the side they are supporting in a fight should be the first to be wounded their party knows that it will be defeated and should retire, whereas if a man of the other side is the first to be wounded they know by this that they will be victorious and should press forward.
- [573] When a girl of the clan is married a cow of her bridewealth goes to the hide-spirit, and if she is later divorced this cow remains with her parents as indemnity for the hides the people say on during the marriage negotiations. Mr. B. A. Lewis tells me that when he suggested holding a dance in a village mostly occupied by a Jikui lineage in the Lak tribe he was asked to make a present to the chief man of the community in compensation for the beating of the tympanum of the drum.
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773 The Jikui clan respect rafters (ko) and rope used in the building of byres and huts. They use them for building but they will not use those of an old habitation for fuel. It is related that in ancient times men of this clan tried to build a byre which would reach to the clouds. Other people said that this could not be done because the clouds were far away, and there was much argument on the matter during the building. God in the sky heard the argument and was angered at the presumption of those who wanted to build a byre to reach the heavens, and he sent down lightning and destroyed the builders.

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262 I have mentioned all Nuer totems of which I have certain knowledge and I now say a few words about totemistic relationships before discussing some of the chief features of Nuer totemism and its significance for an understanding of their conception of Spirit. In Nuerland one often finds that individuals respect classes of things not respected by other members of their lineages or even by their close kin. There are people, probably all or mostly of Dinka origin, who refrain from eating certain parts of beasts: entrails, heart, liver, kidneys, spleen, head, and hooves. In those few cases I have inquired into, the association was said to have come about through a misfortune connected with the parts abstained from. For example, people who abstain from eating hearts

SOUL AND GHOST

but rather as names numbered, as it were, in the archives of the lineage. They think of the dead continuing in this way in the living. It is to ensure the survival of the dead in their names, Nuer say, that they have the customs of the levirate, widow-concubinage, and ghost-marriage.

I have discussed these practices at length elsewhere,¹ and here it is only necessary to show their connexion with the matter under discussion. Nuer practise the true levirate. Widows are neither remarried nor inherited but continue till death to be married to their dead husbands to whose names they continue to bear children begotten by their dead husbands' brothers, with whom they have in certain circumstances an obligation to live. If, however, for one or other reason, a widow does not choose to live with one of her dead husband's brothers she may cohabit with any man she pleases, but all children such a widow-concubine may bear to her lovers count as children of her dead husband. The custom of ghost-marriage further ensures that every man must have a son who will be called after him 'goi so-and-so', 'son of so-and-so'. If a man dies without a male heir and without leaving a widow to bear him male heirs it is a paramount duty for his near kin to marry a wife to his name before they take wives in their own names. In theory at any rate, therefore, every man has at least one son and through this son his name is forever a link in a line of descent. This is the only form of immortality Nuer are interested in. They are not interested in the survival of the individual as a ghost, but in the survival of the social personality in the name.

The memory of a dead man is thus kept alive by its being constantly on people's lips through the favoured patronymic usage during the lifetime of his children and afterwards in the recitation of a line of descent. This is why at a mortuary ceremony Nuer stress that a man who has died is not entirely finished. 'His children will carry on his name.' A dead man's name is also on people's lips in reference to bridewealth cattle. If a man has a right to cattle in the division of a girl's bridewealth he does not lose that right at death. Indeed, if he is dead he not only retains the right but his claims are given precedence, as being 'the right of a ghost', over those of the living. These cattle are *ghok jookni*,

¹ 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für vergleichende Rechtswissenschaft*, 1938 (reprinted in *Rhodes-Livingstone Papers*, No. XI, 1945); also *Kinship and Marriage among the Nuer*, 1951, chaps. iii and iv.

SOUL AND GHOST

551 'cattle of the ghosts', and they must be handed over to his sons, at
765 once if they are adults, and later if they are children. It is a grave
573 fault for a kinsman to take advantage of the minority of children
to use the entitled ghosts for his own purposes. The rights of the
dead in bridewealth cattle derive not only from the fact that it is
their kinswoman who is being married but also from the feeling
Nuer have that a line of descent is attached to its herd. Whatever
individual may have control over the herd it is thought of as being
in a vague general sense owned by the ghosts who once tended it,
for though the animals change the herd is felt to have a sort of
continuity. This is partly why the ghosts are addressed in invoca-
tions at weddings. It must be explained to those on the bride-
groom's side that the cattle are leaving the herd so that a girl of
another lineage may come into the family to bear sons who will
continue their own lineage; and it must be explained to those on
the bride's side that she is being married with cattle which will
enable her family to acquire a wife who will bear sons to continue
their lineage.

551 The great importance attached to the maintenance of a dead
765 man's name and the privileges and obligations of the living which
derive from their relationship to him—rich joke, ghost's wife, gut
joke, ghost's son, and so on—give sharp individuality to the dead;
and it is interesting to note that in the Nuer language the word
for the departed has singular and plural forms, unlike many
languages in Africa and elsewhere, which, like the Latin *mores*,
can indicate only a collectivity. It is possible that we are to seek
in the desire for survival of the self in the name—not just survival
in the children—the reason for the fact that Nuer do not, at any
rate in normal circumstances, care to call a son by the same name
as his father and even show aversion at the suggestion that one
might do so. Were father and son to bear the same name they
would be likely in course of time to become merged in the recita-
tion of a genealogy. I think Nuer realize this. However, it would
be necessary, were such an interpretation advanced, to account
for the fact that some of the other Nilotic peoples have no objec-
tion to father and son bearing the same name, the Anuak for
instance, and Dr. Lienhardt tells me that it is also the case among
the Dinka.

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Nuer use it for the attitude and behaviour expected of a man towards his wife's parents and to a lesser extent her other kinsmen also. He expresses his respect particularly by abstaining from eating in their houses and from appearing naked before them. A newly married woman respects her husband's people, especially his parents. She is circumspect in her relations with them, avoiding the parents as far as is practicable. Until her first child is born she may not eat in the house of her husband's parents—that is to say, in her husband's home. Newly wedded husbands and wives respect one another. In public each treats the other with marked reserve and they will not eat together, or even see each other eat or drink, till some time after their first child is born. Of the many European habits which are strange to Nuer the one I have heard them speak of with the greatest disapproval is that of a man eating with his wife in public. Husband and wife also respect each other's name by avoiding its use. Sweethearts display similar behaviour. The respect a husband shows to his wife's parents and her respect for his parents is shared in varying degrees by the kin on both sides and for varying periods of time. I need not discuss details here. It may, however, be noted that avoidance with regard to food and drink between affines which is likely to have altogether lapsed, except in the case of the husband's avoidance of his wife's parents, and to have been relaxed even in his case with time and the birth of children, is demanded with extreme vigour should the wife bear twins. Then the paternal and maternal kin of the twins are for a short time in the position of parties to a blood-feud. They may not, under penalty of death (*nuerer*), eat or drink or share a pipe together until sacrifices, the meat of which is divided between them, have been made.

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There are also avoidances concerning bridewealth cattle which derive from these relationships of respect relating to marriage. A bride respects the *giok lipe*, the cattle of her betrothal. These are the cattle her future husband hands over in earnest of his intention to marry her, and they count as the first payment of her bridewealth. She will not drink of their milk, lest she harm the cattle by doing so, till after the ritual consummation of the union, and possibly not even then, for I was also told by some Nuer that while she is still newly wedded and has not yet borne a child (*ciok ma kou*) she abstains from the milk of the cows her husband's people have paid for her. Likewise, even when a husband can drink milk

SIN

In the home of his parents-in-law they avoid offering him milk ¹⁹⁶ from the cattle he has paid them. Further, if there is a divorce and ⁵³³ the bridewealth cattle are returned to the husband's people they ⁷⁸⁴ sacrifice a goat before they drink of their milk.

Nuor 'respect with regard to food' unrelated people (not ¹⁹⁶ enough) of the opposite sex, especially if they are unmarried and ²⁴⁴ possible sweethearts. They will not eat with them or even see them, or be seen by them, eating and drinking, and food must not be mentioned when they are both present. The sexes, unless they are kin, avoid each other in the matter of food. Nuor feel so strongly about this avoidance that I was obliged to observe it strictly myself.

Another situation in reference to which one hears the word ¹⁹⁶ *thak* is homicide. I discuss it in greater detail in Chapter XII. A ⁷⁸⁴ man who slays another respects water—he may not drink—until ⁶²⁸ a priest has made sacrifice and cut his right arm. Then until the blood-feud is closed by payment of cattle and by sacrifices the kin of the slayer and the kin of the slain may not eat or drink from vessels from which the other has eaten or drunk. They respect the vessels and the food and water of the other party. Even to use the same vessels at the home of a third party who is in no way connected with the feud may entail the most serious consequences. A third party may cause death to one side or the other by eating or drinking with both.

Another use of the word *thak*, which, as always, contains the ¹⁹⁶ idea of avoidance, is in reference to burial and to mortuary sacri- ⁷⁸⁴ fices. Those who bury a corpse respect water—they may not drink ^[764]—until they have been cleansed. Members of a dead man's age-set abstain from the meat of the cattle sacrificed at the ceremony held to close the period of mourning for him. They are said to respect the meat. It has been noted earlier (p. 55) that people may not eat or drink in the homes of close kin of a person struck by lightning before they have sacrificed. Another use is in connexion with the eldest child of a marriage. He respects the spoons of his parents and the sleeping-hide of his mother. He is careful not to eat with the first or sit on the second. Were he to do so he might cause the ¹⁹⁶ mother to be barren and injure the father, himself, and the cattle. ⁷⁸⁴ A man is also said to respect his as yet unconceived children by ⁸³⁴ abstaining from congress with his wife when she is menstruating ⁸⁴¹.

¹ He is not said to *thak*, respect, his wife when she is menstruating. He